

FIRST DAY - JANUARY 8, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE

FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 2003

PRAYER

The prayer was offered by Senator Wehrbein.

PRESENTATION OF COLORS

Presentation of Colors by the State Area Command of the Nebraska Army National Guard, the 155th Air Refueling Wing of the Nebraska Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the Ninety-Eighth Legislature, First 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 8, 2003, and was called to order by President Heineman.

The roll was called and the following members were present:

Aguilar, Raymond	Friend, Mike	Preister, Don
Baker, Thomas C.	Hartnett, D. Paul	Price, Marian L.
Beutler, Chris	Hudkins, Carol L.	Quandahl, Mark
Bourne, Patrick J.	Janssen, Ray	Raikes, Ronald E.
Brashear, Kermit	Jensen, Jim	Redfield, Pam
Bromm, Curt	Johnson, Joel T.	Schimek, DiAnna R.
Brown, Pam	Jones, James E.	Schrock, Ed
Burling, Carroll	Kremer, Bob	Smith, Adrian
Byars, Dennis M.	Kruse, Lowen	Stuhr, Elaine
Chambers, Ernie	Landis, David M.	Stuthman, Arnie
Combs, Jeanne M.	Louden, LeRoy J.	Synowiecki, John F.
Connealy, Matt	Maxwell, Chip	Thompson, Nancy
Cudaback, Jim D.	McDonald, Vickie D.	Tyson, Gene
Cunningham, Douglas D.	Mines, Mick	Vrtiska, Floyd P.
Engel, L. Patrick	Mossey, Raymond	Wehrbein, Roger R.
Erdman, Philip	Pedersen, Dwite	
Foley, Mike	Pederson, Don	

MOTION - Temporary Clerk and Sergeant at Arms

Senator Wehrbein moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Ms. Lynne Yost as temporary Sergeant at Arms.

The motion prevailed.

MOTION - Committee on Credentials

Senator Brown moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2002.

The motion prevailed.

Senator Schimek moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Beutler, Chambers, Hartnett, Landis, and Wehrbein.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America,)
) ss.
 State of Nebraska)

Department of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-Eighth Legislature, First Session, 2003.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-Eighth Legislature, First Session, 2003.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of December in the year of our Lord, two thousand and two.

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Floyd P. Vrtiska	November 7, 2000
2 Roger R. Wehrbein	November 5, 2002
3 Raymond Mossey	Appointed November 15, 2002
4 Kermit Brashear	November 5, 2002
5 Don Preister	November 7, 2000
6 Pam Brown	November 5, 2002
7 John F. Synowiecki	November 5, 2002
8 Patrick J. Bourne	November 5, 2002
9 Chip Maxwell	November 7, 2000
10 Mike Friend	November 5, 2002
11 Ernie Chambers	November 7, 2000
12 Pam Redfield	November 5, 2002
13 Lowen Kruse	November 7, 2000
14 Nancy Thompson	November 5, 2002
15 Ray Janssen	November 7, 2000
16 Matt Connealy	November 5, 2002
17 L. Patrick Engel	November 7, 2000
18 Mick Mines	November 5, 2002
19 Gene Tyson	November 7, 2000
20 Jim Jensen	November 5, 2002
21 Carol L. Hudkins	November 7, 2000
22 Arnie Stuthman	November 5, 2002
23 Curt Bromm	November 7, 2000
24 Elaine Stuhr	November 5, 2002
25 Ronald E. Raikes	November 7, 2000
26 Marian L. Price	November 5, 2002
27 DiAnna R. Schimek	November 7, 2000
28 Chris Beutler	November 5, 2002
29 Mike Foley	November 7, 2000
30 Dennis M. Byars	November 5, 2002
31 Mark Quandahl	November 7, 2000
32 Jeanne M. Combs	November 5, 2002
33 Carroll Burling	November 7, 2000
34 Bob Kremer	November 5, 2002
35 Raymond Aguilar	November 7, 2000
36 Jim D. Cudaback	November 5, 2002
37 Joel T. Johnson	November 5, 2002
38 Ed Schrock	November 5, 2002
39 Dwite Pedersen	November 7, 2000
40 Douglas D. Cunningham	November 5, 2002
41 Vickie D. McDonald	November 5, 2002
42 Don Pederson	November 5, 2002
43 James E. Jones	November 7, 2000
44 Thomas C. Baker	November 5, 2002
45 D. Paul Hartnett	November 7, 2000
46 David M. Landis	November 5, 2002
47 Philip Erdman	November 7, 2000
48 Adrian Smith	November 5, 2002
49 LeRoy J. Loudon	November 5, 2002

The motion prevailed.

Senator Bromm moved that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Eighth Legislature:

Patrick J. O'Donnell
Richard K. Brown
Lynne Yost

The motion prevailed.

Senator Jones moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Bromm placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Bromm.

The motion prevailed.

Senator Bromm was duly elected Speaker of the Legislature.

Senator Price moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Brashear, Dw. Pedersen, Schrock, Thompson, and Vrtiska to serve on said committee.

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

Speaker
Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms

Curt Bromm
Patrick J. O'Donnell
Richard K. Brown
Lynne Yost

The committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Senator Synowiecki moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Dw. Pedersen placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Dw. Pedersen.

The motion prevailed.

Senator Dw. Pedersen was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

Senator Cunningham moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Kremer, Landis, Price, and Schimek were nominated from District 1.

Senators Bourne, Brashear, Jensen, and Preister were nominated from District 2.

Senators Cudaback, Schrock, Jones, and Bromm were nominated from District 3.

Senator Dw. Pedersen moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Senator Aguilar moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Engel placed his name in nomination.

Senator Byars placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Kremer, Quandahl, and Smith as tellers.

Senator Engel	33
Senator Byars	<u>15</u>
	48

Senator Engel was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Senator Bourne moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Cudaback placed his name in nomination.

Senator Preister placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Maxwell, Burling, and Kruse as tellers.

Senator Cudaback	31
Senator Preister	<u>17</u>
	48

Senator Cudaback was duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Senator Janssen moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Beutler and Janssen were nominated from District 1.

Senators Chambers and Thompson were nominated from District 2.

Senators Jones and Tyson were nominated from District 3.

Senator Connealy moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

Senator Jensen moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Kremer placed his name in nomination.

Senator Erdman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Bourne, Janssen, and Price as tellers.

Senator Kremer	39
Senator Erdman	<u>9</u>
	48

Senator Kremer was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Wehrbein placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote

by acclamation be cast for Senator Wehrbein.

The motion prevailed.

Senator Wehrbein was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Quandahl placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Quandahl.

The motion prevailed.

Senator Quandahl was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Connealy placed his name in nomination.

Senator Vrtiska placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Brown, Byars, and Preister as tellers.

Senator Connealy	23
Senator Vrtiska	<u>25</u>
	48

Senator Vrtiska was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Raikes placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Raikes.

The motion prevailed.

Senator Raikes was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Janssen placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Janssen.

The motion prevailed.

Senator Janssen was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Smith placed his name in nomination.

Senator Aguilar placed his name in nomination.

Senator Schimek placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Cudaback, Tyson, and Redfield as tellers.

Senator Smith	21
Senator Aguilar	6
Senator Schimek	<u>22</u>
	49

The Chair announced that a second ballot would be cast between Senator Smith and Senator Schimek.

The Chair appointed Senators Cudaback, Tyson, and Redfield as tellers.

Senator Smith	22
Senator Schimek	<u>26</u>
	48

Senator Schimek was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Jensen placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Jensen.

The motion prevailed.

Senator Jensen was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Brashear placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brashear.

The motion prevailed.

Senator Brashear was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Schrock placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Schrock.

The motion prevailed.

Senator Schrock was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Stuhr placed her name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stuhr.

The motion prevailed.

Senator Stuhr was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Redfield placed her name in nomination.

Senator Landis placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Foley, Cunningham, and Aguilar as tellers.

Senator Redfield	24
Senator Landis	<u>25</u>
	49

Senator Landis was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Baker placed his name in nomination.

Senator Bourne placed his name in nomination.

Senator Thompson placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Engel, Jensen, and Stuhr as tellers.

Senator Baker	21
Senator Bourne	11
Senator Thompson	<u>16</u>
	48

The Chair announced that a second ballot would be cast between Senator Baker and Senator Thompson.

The Chair appointed Senators Engel, Jensen, and Stuhr as tellers.

Senator Baker	25
Senator Thompson	<u>23</u>
	48

Senator Baker was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Hartnett placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hartnett.

The motion prevailed.

Senator Hartnett was duly elected Chairperson of the Urban Affairs Committee.

MOTION - Special and Select Committee Chairpersons

Senator Schrock moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Senator Aguilar placed his name in nomination.

Senator McDonald placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Erdman, Johnson, and Synowiecki as tellers.

Senator Aguilar	29
Senator McDonald	<u>15</u>
	44

Senator Aguilar was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Senator Hudkins placed her name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hudkins.

The motion prevailed.

Senator Hudkins was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Erdman nominated Senator Mossey.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Mossey.

The motion prevailed.

Senator Mossey was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - Election Returns

Senator Redfield moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2002.

The motion prevailed.

The Chair appointed Senators Connealy, McDonald, and Raikes to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 8, 2003

Speaker of the Legislature
Ninety-Eighth Legislature, First Session (Regular) 2003
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 5, 2002 for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judge, Court of Appeals Judges and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 1998 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to two Constitutional Amendments is on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

CERTIFICATE

United States of America,)
) ss.
 State of Nebraska)

Department of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judge, Court of Appeals Judges and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 5, 2002.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, two thousand and three.

(SEAL)

John A. Gale, Secretary of State

Governor Mike Johanns
Lieutenant Governor Dave Heineman
Attorney General Jon Bruning
Secretary of State John Gale
Auditor of Public Accounts Kate Witek
State Treasurer Lorelee Byrd
Public Service Commission Anne Boyle
Board of Regents of the University of Nebraska - Dist 1 - Charles Wilson
Board of Regents of the University of Nebraska - Dist 2 - Howard Hawks
State Board of Education - Dist 5 - Stephen A. Scherr
State Board of Education - Dist 6 - Fred Meyer
State Board of Education - Dist 7 - Kandy Imes
State Board of Education - Dist 8 - Joe Higgins
Supreme Court Judge John V. Hendry
Court of Appeals Judge Richard D. Sievers
Court of Appeals Judge Theodore L. Carlson
Court of Appeals Judge John F. Irwin
Court of Appeals Judge Edward E. Hannon
Nebraska Workers Compensation Judge Michael K. High
Nebraska Workers Compensation Judge Laureen Van Norman

CERTIFICATE

State of Nebraska

United States of America,)
) ss.
 State of Nebraska)

Department of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the General Election held on November 5, 2002.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, two thousand and three.

(SEAL)

John A. Gale, Secretary of State

General Election
 November 5, 2002

No. 1

A constitutional amendment to amend section 27 of Article I of the Nebraska Constitution to eliminate language requirements for private, denominational, and parochial schools.

For	184,076
Against	241,287

No. 2

A constitutional amendment to amend section 2 of Article XIII of the Nebraska Constitution to permit the Legislature to authorize counties, cities and villages to acquire, own, develop, lease and otherwise finance real and personal property to be used by non profit entities. In addition, the Legislature would be empowered to authorize counties, cities, and villages to issue revenue bonds for such purposes.

For	165,131
Against	242,038

Senator Thompson moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Senator Quandahl moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 9, 2003, at 1:45 p.m.

The motion prevailed.

VISITORS

Visitors to the Chamber were students and teacher from Lincoln East High School; Bruce Davis from South Sioux City; Senator Cunningham's parents, Dean and Elda, from Wausa; Senator Kremer's daughters and families, Sheila Miller and Shauna Moody; Senator Combs' family and friends; Senator Mines' wife, Katie, son, Billy, daughter, Laini, from Blair, parents, Bill and Dorothy, and grandmother, Clara Vopalensky, from North Bend; Senator Price's daughter, Penni, from Lincoln; and Senator Johnson's granddaughter, Sarah Westesen, and Ryan Hack.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 1:20 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 9, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 2003

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Schimek presiding.

The roll was called and all members were present except Senators Beutler, Bromm, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Thursday, January 9, 2003.

The motion prevailed.

ATTORNEY GENERAL'S OPINIONOpinion # 02031

DATE: December 18, 2002

SUBJECT: Statutory Authority for Emergency Care Provider Regulations

REQUESTED BY: Senator Joel T. Johnson

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office whether legislation is needed to assure that the Department of Health and Human Services Regulation and Licensure has statutory authority to amend its regulations so as to allow the use of oxygen, aspirin and epinephrine auto-injectors by certain emergency care providers. You state that the emergency care providers are not currently allowed to use such treatments as their scope of practice is limited to the curriculum of the U.S. Department of Transportation course for each classification of emergency medical technician. You then ask whether the Board of Emergency Medical Services and the Department may amend current regulations to include such treatments or whether statutory changes would first be necessary.

We have reviewed the Emergency Medical Services Act. Neb. Rev. Stat. §§ 71-5172 to 71-51,100 (Cum. Supp. 2002). As you point out in your opinion request, the pertinent statutes are Neb. Rev. Stat. § 71-5178(2) and § 71-5179(1). § 71-5178 authorizes the Department, with the approval of the Board, to promulgate rules and regulations which create four certification classifications of out-of-hospital emergency care providers. These rules and regulations are to include the practices and procedures authorized for each classification. § 71-5179(1) provides that the Legislature has adopted all parts of the U.S. Department of Transportation curricula, including permitted practices and procedures for each classification, until modified by rule and regulation. Because of this specific language "until modified by rule and regulation" it is our opinion that the Department is not limited to the U.S. Department of Transportation curricula in setting forth the permitted practices and procedures for each certification classification and may change or modify that curricula. On its face, § 71-5179(1), authorizes the Department to establish the scope of practice for the various emergency care provider classifications.

It is a general principle of statutory construction that once a statute is enacted it is presumed to be constitutional, and all reasonable doubts will be resolved in favor of its constitutionality. See *Kalisek v. Abramson*, 257 Neb. 517, 520, 599 N.W.2d 834, 836 (1990); *Schindler v. Nebraska Dept. of Motor Vehicles*, 256 Neb. 782, 593 N.W.2d 295 (1999). Because Neb. Rev. Stat. § 71-5179(1) allows the Department to modify the U.S. Department of Transportation curricula in its rules and regulations, a statutory change is not necessary in order to change the scope of practice of these emergency care providers.

The Legislature may authorize an administrative or executive department to make rules and regulations to carry out an express legislative purpose, or to completely operate and enforce a law within designated limitations. *Bosselman, Inc. v. State*, 230 Neb. 471, 432 N.W.2d 226 (1988). The Nebraska Supreme Court has indicated that the "modern tendency is to be more liberal in permitting grants of discretion to an administrative agency in order to facilitate the administration of laws as the complexity of economic and governmental conditions increases." *State ex rel. Douglas v. Nebraska Mortgage Finance Fund*, 204 Neb. 445, 465, 283 N.W.2d 12, 24 (1979).

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of

Beginning Farmer Tax Credit Act, Third Annual Report, July 2001 - June 2002

Auditor of Public Accounts

Advisory Letter for the following:

Administrative Services, Department of, Division of State Personnel -
Employee Recognition Program, FY 2002

Central Community College Area Examination of Travel Policies, Travel
Disbursements, and Other Selected Areas, FY 2002

Metropolitan Community College Area Examination of Travel Policies,
Travel Disbursements, and Other Selected Areas, FY 2002

Mid-Plains Community College Area Examination of Travel Policies,
Travel Disbursements, and Other Selected Areas, FY 2002

Northeast Community College Area Examination of Travel Policies,
Travel Disbursements, and Other Selected Areas, FY 2002

Purchasing/Contracting Procedures and Controls for the State of
Nebraska, FY 2002

Southeast Community College Area Examination of Travel Policies,
Travel Disbursements, and Other Selected Areas, FY 2002

Western Community College Area Examination of Travel Policies,
Travel Disbursements, and Other Selected Areas, FY 2002

Audit reports for the following:

Arts Council, FY 2002

Chadron State College performed by BKD, LLP, FY 2002

Health and Human Services System, Beatrice State Development Center,
FY 2002

Lottery, FY 2002

Military Department, FY 2002

Motor Vehicle Industry Licensing Board, FY 2002

Peru State College performed by BKD, LLP, FY 2002

University of Nebraska performed by Deloitte & Touche, FY 2002

Wayne State College performed by BKD, LLP, FY 2002

Environmental Quality, Department of

2002 Annual Report

Fiscal Office, Legislative

Legislator's Guide to Nebraska State Agencies, overview of state government receipts and expenditures

Game and Parks Commission

2002 Recreation Road Report

Geographic Information Systems (GIS) Steering Committee

Annual Report and Nebraska I-Team Strategic Plan

Health and Human Services System

2002 Community Service Program Employable General Assistance Recipients Report

Cost Sharing in the Medicaid Program Report, State Fiscal Year 2002

Electronic Benefits Transfer Report

Investment Council

Northern Ireland Investment Requirements under LB 1066

Investment Finance Authority

2002 Series A, B, C, D, E, and F Community Development Loan Notes (City of Lincoln Program-2002)

Labor, Department of

Meatpacking Industry Worker's Bill of Rights Report

Ombudsman/Public Counsel (See Public Counsel/Ombudsman)

Postsecondary Education, Coordinating Commission for

2001 and 2002 Biennial Report

Property Assessment and Taxation, Department of

2002 Certificates of Taxes Levied from assessors throughout the state

Public Counsel/Ombudsman

2001 Thirty-First Annual Report

Retirement Systems, Public Employees

Judges' Retirement System Actuarial Report, July 1, 2002 - June 30, 2004

School Retirement System Actuarial Report, July 1, 2002 - June 30, 2004

State Patrol Retirement System Actuarial Report, July 1, 2002 - June 30, 2004

Revenue, Department of

1999 Tax Burden Study

Roads, Department of

2002 State Highway Needs Assessment Report

Board of Public Roads Classifications and Standards Minutes for October 2002

Recreation Roads One-Year and Five-Year Programs

Secretary of State

Election Task Force Report, December 31, 2002

Treasurer, State

Electronic Benefits Transfer Report

University of Nebraska

Annual Progress Report on Increasing Minority and Women Faculty

Workers' Compensation Court

Fiscal Year 2002 Annual Report

COMMUNICATIONS

October 23, 2002

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol
Lincoln, NE 68509

Dear Patrick:

According to the provisions of Nebraska Revised Statutes 1943, Section 81-1108.36, name changes for state-owned structures are to be approved by the Governor and the Legislature. At its meeting on April 9, 2002, the Board of Trustees of the Nebraska State Colleges approved a proposal to rename the Old Library at Chadron State College as the Mari Sandoz High Plains Heritage Center.

Enclosed is a packet of materials including Board of Trustees briefing information and the briefing package provided to Governor Johanns on this matter. Enclosed as well is the form signed by the governor, giving his approval for the change on October 7, 2002.

We ask that this matter be presented to the Legislature for its approval at the next appropriate meet time. If you have any questions on this proposed renaming, please feel free to contact me.

(Signed) Sincerely,
Stan Carpenter
Executive Director

Enclosures

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Teacher Salary Task Force; to eliminate provisions governing the task force which terminated on December 31, 2000; and to outright repeal sections 79-8,118 to 79-8,123, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 2. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Revised Statutes Supplement, 2002; to reference statutes within the named act; and to repeal the original section.

LEGISLATIVE BILL 3. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to gaming; to amend sections 9-203, 9-303, 9-403, and 9-603.01, Reissue Revised Statutes of Nebraska, and section 9-603, Revised Statutes Supplement, 2002; to correct internal references; to transfer a definitional section; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 4. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to liens; to amend sections 52-1302, 52-1313, 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska, section 52-1307, Revised Statutes Supplement, 2002, and sections 9-315, 9-320, 9-529, and 9-531, Uniform Commercial Code; to correct internal references relating to the filing system for farm product security interests; to delete obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 5. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to airports; to amend section 3-201, Reissue Revised Statutes of Nebraska, and sections 3-501, 3-508, and 3-513, Revised Statutes Supplement, 2002; to correct internal references to the Cities Airport Authorities Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 6. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5237.01, 44-6904, and 44-6908, Reissue Revised Statutes of Nebraska, and section 44-4206.02, Revised Statutes Supplement, 2002; to correct references to federal law; and to repeal the original sections.

LEGISLATIVE BILL 7. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-121, 85-121.03, 85-943, 85-966.01, 85-1412, 85-1413, and 85-1414, Reissue Revised Statutes of Nebraska; to repeal obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-121.05, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 8. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Commission on Local Government Innovation and Restructuring; to amend sections 77-913 and 81-1113, Revised Statutes Supplement, 2002; to repeal provisions that terminated on July 1, 2000; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2301 to 13-2304, 13-2306, and 13-2307, Reissue Revised Statutes of Nebraska, and section 13-2305, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 9. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to budgets; to amend section 13-519, Revised Statutes Supplement, 2002; to delete obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 10. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Reorganized School Assistance Fund; to repeal the fund which terminated on September 2, 1999; and to outright repeal section 79-1010.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 11. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Accounting Division Cash Fund; to repeal provisions that terminated on July 1, 2000; and to outright repeal section 81-1110.02, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 12. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Education and Career Preparation Task Force; to repeal provisions relating to the task force which terminated on December 31, 2000; and to outright repeal sections 79-766 to 79-770, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 13. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to amend sections 84-120 to 84-122, Reissue Revised Statutes of Nebraska; to change provisions relating to succession to the office of Governor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-204 and 32-320, Reissue Revised Statutes of Nebraska; to rename a fund; to

change provisions relating to the fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 15. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend section 32-811, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots for primary elections for community college boards of governors; and to repeal the original section.

LEGISLATIVE BILL 16. 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, 2002; to change filing requirements for businesses engaged in professional services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 17. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Revised Statutes Supplement, 2002; to prohibit sexual abuse of a protected individual; to define terms; to harmonize provisions; to provide penalties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 18. 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 19. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1210, Reissue Revised Statutes of Nebraska; to change provisions relating to witnesses; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court; to amend section 24-517, Revised Statutes Supplement, 2002; to change jurisdictional provisions; and to repeal the original section.

LEGISLATIVE BILL 21. 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 procedures relating to felony complaints; and to repeal the original section.

LEGISLATIVE BILL 22. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Revised Statutes Supplement, 2002; to change penalty provisions for criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 23. Introduced by Brashear, 4.

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

LEGISLATIVE BILL 24. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend sections 81-8,213 and 81-8,227, Reissue Revised Statutes of Nebraska; to change tort claim procedures and limitations; and to repeal the original sections.

LEGISLATIVE BILL 25. Introduced by Brashear, 4.

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

LEGISLATIVE BILL 26. Introduced by Preister, 5.

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, 2002; to change provisions relating to membership and adoption of standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 27. Introduced by Preister, 5.

A BILL FOR AN ACT relating to electricity; to amend section 79-1035.01, Revised Statutes Supplement, 2002; 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 28. Introduced by Preister, 5.

A BILL FOR AN ACT relating to energy resources; to amend section 70-1012, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to provide powers and duties for electric utilities; to provide for a net-metering system; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 29. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Municipal Cooperative Financing Act; to amend sections 18-2427, 18-2430, 18-2433, and 18-2446, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to power projects; to change powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 18-2429, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 30. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.10, Reissue Revised Statutes of Nebraska; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 31. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water; to amend sections 46-606, 46-1233.01, 71-5301, 71-5303, 71-5304, and 71-5309, Revised Statutes Supplement, 2002; to change provisions relating to water well seals, water well registration fees, public water systems, and public water system operators; to define a term; to provide powers and duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 32. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to storm water drainage; to amend sections 18-501 to 18-505 and sections 18-507 to 18-510, Reissue Revised Statutes of Nebraska; to change provisions relating to sewer system charges and fees; to authorize storm water management programs for cities, counties, and natural resources districts as prescribed; to provide powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend section 46-606, Revised Statutes Supplement, 2002; to eliminate a termination date; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend section 46-656.29, Revised Statutes Supplement, 2002; to change provisions relating to an application fee; and to repeal the original section.

LEGISLATIVE BILL 35. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend section 46-656.30, Revised Statutes Supplement, 2002; to change provisions relating to denial of a permit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 36. 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 create the offense of introducing contraband into a detention facility; to change provisions relating to implements of escape; to define a term; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 37. Introduced by Price, 26.

A BILL FOR AN ACT relating to labor; to amend section 77-2716, Revised Statutes Supplement, 2002; to adopt the Wage Replacement Savings Plan Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 38. Introduced by Price, 26.

A BILL FOR AN ACT relating to firearms; to amend section 28-101, Revised Statutes Supplement, 2002; to provide restrictions on firearms to prevent unauthorized access by a minor; to define a term; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 39. Introduced by Price, 26.

A BILL FOR AN ACT relating to labor; to adopt the One Day Rest in Seven Act; and to provide a penalty.

LEGISLATIVE BILL 40. 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 41. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 23-3104, 23-3107, 23-3108, and 23-3109, Reissue Revised

Statutes of Nebraska; to change provisions relating to bidding requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 42. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Revised Statutes Supplement, 2002; to repeal the County Property Tax Relief Program; to harmonize provisions; to repeal the original section; to outright repeal section 77-3618, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 43. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 23-1201, 43-274, and 43-290, Reissue Revised Statutes of Nebraska, and sections 29-2258, 29-3601, 43-276, and 43-2,129, Revised Statutes Supplement, 2002; to authorize city and county juvenile pretrial diversion programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 44. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to cigarette tax; to amend section 37-351, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Supplement, 2002; to change cigarette tax distribution; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 45. 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, 2002; to redefine terms; to change designated smoking area provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 46. Introduced by Brashear, 4; Bourne, 8; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to criminal justice; to amend sections 29-2252, 29-2263, 29-2266, 29-2269, 81-1423, 83-1,102, 83-1,107, 83-1,110, 83-1,123, 83-1,135, and 83-4,146, Reissue Revised Statutes of Nebraska, sections 28-416, 29-2259.01, 29-2262, 29-2709, 81-1425, and 83-1,118, Revised Statutes Supplement, 2002, and section 29-2261, Revised Statutes Supplement, 2002, as amended by section 9, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to adopt the Community Corrections Act and the Correctional System Overcrowding Emergency Act; to change provisions relating to presentence investigations, probation, parole, and good time; to provide

for fees; to create funds; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; to eliminate the Community Correctional Facilities and Programs Act; to repeal the original sections; and 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, 2002.

LEGISLATIVE BILL 47. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend section 24-101, Reissue Revised Statutes of Nebraska; to harmonize statutory impeachment provisions with constitutional provisions; and to repeal the original section.

LEGISLATIVE BILL 48. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1144, Reissue Revised Statutes of Nebraska; to correct subdivision numbering; and to repeal the original section.

LEGISLATIVE BILL 49. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal law; to amend section 28-813, Reissue Revised Statutes of Nebraska; to correct a grammatical error; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4205, Revised Statutes Supplement, 2002; to correct subdivision numbering; and to repeal the original section.

LEGISLATIVE BILL 51. Introduced by D. Pederson, 42; Engel, 17; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,297, Reissue Revised Statutes of Nebraska; to change provisions relating to towing; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 52. Introduced by D. Pederson, 42; Hartnett, 45.

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 53. Introduced by Smith, 48; Erdman, 47.

A BILL FOR AN ACT relating to schools; to amend section 79-1241, Revised Statutes Supplement, 2002; to change provisions relating to core services funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 54. Introduced by Erdman, 47; Byars, 30; Jensen, 20.

A BILL FOR AN ACT relating to foster care; to amend section 71-1904, Revised Statutes Supplement, 2002; to provide for waiver of training requirements as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 55. 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, 2002; to include public safety officials in disease exposure provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 56. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the State Board of Health; to amend sections 71-2602, 71-2603, 71-2606, 71-2607, 71-2610, and 71-2610.01, Reissue Revised Statutes of Nebraska, and section 71-2601, Revised Statutes Supplement, 2002; to provide and change powers and duties; to change provisions relating to membership, terms, removal, and meetings; to provide immunity from liability as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 57. Introduced by Byars, 30.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2704.10 and 77-2704.24, Reissue Revised Statutes of Nebraska; to collect tax on junk food items; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Byars, 30.

A BILL FOR AN ACT relating to sovereign immunity; to waive immunity to suit for certain actions under the federal Americans with Disabilities Act of 1990.

LEGISLATIVE BILL 59. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the disposition of human remains; to amend sections 28-1301, 30-3401, 30-3408, 30-3417, 30-3420, and 71-1340, Reissue Revised Statutes of Nebraska, and sections 71-1301, and 71-1339, Revised Statutes Supplement, 2002; to adopt the

Cremation of Human Remains Act; to change provisions relating to the power of attorney for health care, interment, cremation, organ donation, autopsy, and the disposition of remains as prescribed; to redefine terms; to change a penalty; to provide intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 60. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.13 and 81-885.17, Revised Statutes Supplement, 2002; to require criminal history record information checks of license applicants; and to repeal the original sections.

LEGISLATIVE BILL 61. Introduced by Byars, 30.

A BILL FOR AN ACT relating to retirement subdivisions and communities; to amend sections 76-1301, 76-1302, 76-1305 to 76-1310, and 76-1313 to 76-1315, Reissue Revised Statutes of Nebraska, and section 76-1304, Revised Statutes Supplement, 2002; to define and redefine terms; to change filing requirements; to change regulatory provisions; to change and provide penalties; to provide for use of advisory committees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 62. Introduced by Connealy, 16; Bourne, 8.

A BILL FOR AN ACT relating to the County Revenue Assistance Act; to amend sections 29-3920, 29-3930, and 29-3931, Revised Statutes Supplement, 2002; to change provisions relating to divisions and defense costs of the Commission on Public Advocacy; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 63. 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 64. Introduced by Preister, 5.

A BILL FOR AN ACT relating to pesticides; to adopt the School Integrated Pest Management Act; and to provide severability.

LEGISLATIVE BILL 65. Introduced by Preister, 5.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska; to define terms; to provide criteria for consideration by the Nebraska Power Review Board in reviewing applications; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-1310, Revised Statutes Supplement, 2002; to change provisions relating to reimbursements from the School Technology Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 67. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend sections 10-704, 79-4,102, 79-527, 79-554, 79-1303, 79-1305 to 79-1307, and 79-1324, Reissue Revised Statutes of Nebraska, and sections 79-101, 79-2,135, 79-528, 79-565, 79-598, 79-602, 79-1023, 79-1024, 79-1026 to 79-1029, 79-1070, 79-1083.03, 79-10,110, 79-1135, 79-1155, 79-1156, and 79-1167, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to elections, education, special education, and educational technology; to eliminate obsolete provisions; to repeal the original sections; and to outright repeal sections 79-4,105, 79-1308, 79-1309, and 79-1311, Reissue Revised Statutes of Nebraska, and sections 79-4,106, 79-763 to 79-770, 79-8,118 to 79-8,123, and 79-1010.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 68. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105, 85-108, 85-112, 85-118, 85-131, 85-132, 85-194, and 85-1,119, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to and to provide for governance; to eliminate provisions relating to University Hospital and the College of Medicine; to repeal the original sections; and to outright repeal sections 85-110, 85-112.01, 85-112.02, 85-113, 85-139, 85-172, 85-178, 85-184, 85-185, 85-190, 85-1,118, 85-1,120, 85-1,121, and 85-1,124, Reissue Revised Statutes of Nebraska.

SENATOR HARTNETT PRESIDING

LEGISLATIVE BILL 69. Introduced by Smith, 48; Aguilar, 35; Erdman, 47; Schimek, 27.

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 provide duties for the Military Department; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 70. Introduced by Kremer, 34; Aguilar, 35; Erdman, 47.

A BILL FOR AN ACT relating to liens; to amend section 52-1603, Reissue Revised Statutes of Nebraska; to change provisions relating to the master lien list; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 71. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-338, Revised Statutes Supplement, 2002; to change provisions relating to the Nebraska Installment Sales Act; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Vrtiska, 1; Cudaback, 36.

A BILL FOR AN ACT relating to the Nebraska State Fair; to amend section 77-2701, Revised Statutes Supplement, 2002; to provide for an income tax refund checkoff donation for the State Fair Foundation; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 73. Introduced by Cunningham, 40; Byars, 30; Jensen, 20; Price, 26.

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

LEGISLATIVE BILL 74. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motorboats; to amend section 37-1253, Reissue Revised Statutes of Nebraska; to provide noise restrictions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 75. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to sheriffs; to amend section 23-1701.01, Reissue Revised Statutes of Nebraska; to change eligibility requirements for office; and to repeal the original section.

LEGISLATIVE BILL 76. 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 77. 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 28-1239.01, 28-1246, and 81-505.01, Revised Statutes Supplement, 2002; to change fees; to provide requirements for display fireworks; and to repeal the original sections.

LEGISLATIVE BILL 78. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 19-4801 and 29-424, Revised Statutes Supplement, 2002; to change provisions relating to the issuance of citations for code violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to public funds; to amend sections 14-556, 15-847, 15-849, 16-713, 16-715, 16-716, 17-607, 17-720, 30-3209, 77-2318, 77-2326.04, 77-2340, 77-2344, 77-2345, 77-2352, 77-2355, 77-2362, 77-2365.01, 77-2375, 77-2385, 77-2387, 77-2388, 77-2395, 77-2398, 77-23,100, 77-23,101, 77-23,102, and 77-23,105, Revised Statutes Supplement, 2002; to authorize credit unions to receive deposits of funds of political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 80. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1801, Revised Statutes Supplement, 2002; to change provisions relating to sale of real estate for delinquent taxes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 81. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to motor vehicles; to amend section 75-304, Reissue Revised Statutes of Nebraska, and section 60-6,211.08, Revised Statutes Supplement, 2002; to change provisions relating to consumption of alcoholic beverages and open containers as prescribed; to establish carrier services classifications; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 82. Introduced by Foley, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-602, Revised Statutes Supplement, 2002; to change provisions relating to inspection of pupil transportation vehicles; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by McDonald, 41; Aguilar, 35; Burling, 33.

A BILL FOR AN ACT relating to veterans; to amend section 80-407, Revised Statutes Supplement, 2002; to eliminate a reporting requirement; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 84. Introduced by McDonald, 41; Jones, 43.

A BILL FOR AN ACT relating to county attorneys; to amend sections 23-1201.01 and 32-604, Reissue Revised Statutes of Nebraska; to change provisions relating to holding more than one office; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 85. Introduced by Landis, 46.

A BILL FOR AN ACT relating to state government; to amend sections 8-105, 44-119, and 81-1373, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Supplement, 2002; to provide for reclassification of certain deputies and examiners as at-will employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 86. 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 municipalities to allow pedestrians to solicit contributions on roadways as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 87. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Secure Youth Confinement Facility; to amend sections 43-251.01, 43-258, 43-404, and 83-905, Reissue Revised Statutes of Nebraska, and section 43-2411, Revised Statutes Supplement, 2002; to provide for closing of the facility; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 88. Introduced by McDonald, 41; Cunningham, 40; Jones, 43.

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 89. Introduced by Burling, 33; McDonald, 41.

A BILL FOR AN ACT relating to game and parks; to amend section 37-302, Reissue Revised Statutes of Nebraska; to change provisions relating to fish stocking and consulting services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 90. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to counties; to amend section 22-119, Reissue Revised Statutes of Nebraska, and sections 22-112 and 22-171, Revised Statutes Supplement, 2002; to change the boundary line between

the counties of Butler and Colfax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to zoning; to amend section 19-4401, Reissue Revised Statutes of Nebraska; to authorize cities and villages to regulate planned unit developments as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 92. Introduced by Stuhr, 24; Baker, 44; Combs, 32; Connealy, 16; Cunningham, 40; Hudkins, 21; Janssen, 15; Kremer, 34; McDonald, 41; Schimek, 27; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to the Rural Development Commission; to eliminate the commission, a fund, and a program; to provide an operative date; to outright repeal sections 81-3601 to 81-3609, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 93. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.07, Revised Statutes Supplement, 2002; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 94. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to wastewater; to amend section 81-3453, Revised Statutes Supplement, 2002; to adopt the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to provide for penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to funeral directors and embalming; to amend sections 71-605, 71-606, and 71-1339, Revised Statutes Supplement, 2002; to change provisions relating to unborn children; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 96. Introduced by Cunningham, 40; Schimek, 27; Tyson, 19.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-420, Reissue Revised Statutes of Nebraska; to change hunting and fishing permit fee exemptions pertaining to veterans; and to repeal the original section.

LEGISLATIVE BILL 97. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-3,127, Reissue Revised Statutes of Nebraska, and section 14-3,107, Revised Statutes Supplement, 2002; to authorize the vacation of minimal secondary rights-of-way as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103 and 77-4104, Revised Statutes Supplement, 2002; to change employment requirements; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Hartnett, 45; Aguilar, 35.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1254, 81-1255, and 81-1258, Reissue Revised Statutes of Nebraska; to change provisions relating to a tax, tax proceeds, and funds; and to repeal the original sections.

LEGISLATIVE BILL 100. Introduced by Baker, 44.

A BILL FOR AN ACT relating to state government; to amend sections 81-5,151 and 81-5,157, Reissue Revised Statutes of Nebraska, and sections 60-310, 60-311.02, 60-311.11, and 60-315, Revised Statutes Supplement, 2002; to provide for specialty license plates; to change provisions for exempt plates and message plates; to create a fund; to provide duties for the State Fire Marshal; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Baker, 44.

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

LEGISLATIVE BILL 102. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicle titles; to amend section 60-106, Revised Statutes Supplement, 2002; to authorize a fee by the Nebraska State Patrol for processing and approving certain inspections; and to repeal the original section.

LEGISLATIVE BILL 103. Introduced by Baker, 44.

A BILL FOR AN ACT relating to rules of the road; to amend section 60-6,294.01, Reissue Revised Statutes of Nebraska; to change the speed limit for agricultural floater-spreader implements; and to repeal the original section.

LEGISLATIVE BILL 104. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to innocent third parties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 105. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106, Reissue Revised Statutes of Nebraska; to change provisions relating to retirement contributions; and to repeal the original section.

LEGISLATIVE BILL 106. 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, 2002; to change fund use and administration procedures; and to repeal the original section.

LEGISLATIVE BILL 107. 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; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 108. 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, 2002; 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 109. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2101, Reissue Revised Statutes of Nebraska, and section 77-27,144, Revised Statutes Supplement, 2002; to provide for distribution of local option sales tax collected in community redevelopment areas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 110. Introduced by Cunningham, 40; Burling, 33; Friend, 10; Janssen, 15; Loudon, 49; Mines, 18; Stuhr, 24.

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 111. Introduced by Mossey, 3; Brown, 6; Cunningham, 40; Erdman, 47; Friend, 10; Hudkins, 21; Quandahl, 31; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-813.01, Reissue Revised Statutes of Nebraska; to change the penalty for possession of child pornography; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 112. Introduced by Mossey, 3; Brown, 6; Erdman, 47; Smith, 48.

A BILL FOR AN ACT relating to state government; to amend section 81-1120.19, Revised Statutes Supplement, 2002; to change provisions relating to purchase of communications service; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 113. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to the Telemarketing and Prize Promotions Act; to amend section 86-224, Revised Statutes Supplement, 2002; to change requirements for consumer's authorization of payment; and to repeal the original section.

LEGISLATIVE BILL 114. Introduced by Redfield, 12; Erdman, 47.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-114.03, Reissue Revised Statutes of Nebraska; to provide for electronic presentation of reports to the Legislature; and to repeal the original section.

LEGISLATIVE BILL 115. Introduced by Redfield, 12; Baker, 44; Burling, 33; Cunningham, 40; Erdman, 47; Foley, 29; Jensen, 20; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 2002; to change powers and duties; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Cunningham, 40; Erdman, 47; Kremer, 34; Mossey, 3; Tyson, 19.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-1152, Revised Statutes Supplement, 2002; to state intent; and to repeal the original section.

LEGISLATIVE BILL 117. Introduced by Brown, 6; Aguilar, 35; Baker, 44; Combs, 32; Connealy, 16; Cunningham, 40; Friend, 10; Jensen, 20;

Johnson, 37; Kruse, 13; Mines, 18; Redfield, 12; Smith, 48; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend sections 81-1111 and 84-602, Reissue Revised Statutes of Nebraska, and section 72-1249.02, Revised Statutes Supplement, 2002; to provide for a centralized system for receipt and deposit of funds; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 118. Introduced by Brown, 6.

A BILL FOR AN ACT relating to deceptive trade practices; to amend section 87-302, Reissue Revised Statutes of Nebraska; to prohibit practices regarding privacy policies; and to repeal the original section.

LEGISLATIVE BILL 119. Introduced by Brown, 6.

A BILL FOR AN ACT relating to medical tests; to amend sections 71-1,104.01 and 71-519, Revised Statutes Supplement, 2002; to change provisions relating to consent to genetic testing and metabolic disease testing; and to repeal the original sections.

LEGISLATIVE BILL 120. Introduced by Brown, 6.

A BILL FOR AN ACT relating to state government; to amend sections 84-1504 and 84-1613, Revised Statutes Supplement, 2002; to authorize additional deferred compensation contributions as prescribed; to provide health insurance coverage for certain employees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 121. Introduced by Brown, 6.

A BILL FOR AN ACT relating to the Mail Service Prescription Drug Act; to amend section 71-2406, Reissue Revised Statutes of Nebraska, and sections 71-1,148, 71-2407, 71-2408, and 71-2409, Revised Statutes Supplement, 2002; to rename the act; to provide for licensure for mail service pharmacies; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1CA. Introduced by Schimek, 27.

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, sections 1, 5, 6, 7, 10, 11, 12, 13, 14, 17, 22, and 27:

III-1 "The legislative authority of the state shall be vested in a Legislature consisting of ~~one chamber~~ a Senate and a House of Representatives as provided in this article. The people reserve for themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum."

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~~ senators 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~~ Senate shall be elected from each ~~such district~~, and two members of the House of Representatives shall be elected from each 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-6 "The Legislature shall consist of ~~not more than fifty members and not less than thirty~~ the Senate composed of not more than thirty-one members and the House of Representatives composed of not more than sixty-two members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law."

III-7 "At the general election to be held in November ~~1964~~ 2006, one-half the members of the ~~Legislature~~ Senate and one-half the members of the House of Representatives, 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. The Legislature as constituted as of the general election in November 2004 and the terms of the members elected at such election terminate as of the beginning of the terms of members of the Legislature elected in November 2006.

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 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-10 "~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all the members elected to the Legislature in each house, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all the members elected to the Legislature in each house. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. Neither house shall adjourn for more than three days without the consent of the other house.

The Lieutenant Governor shall preside in the Senate, but shall vote only when the Legislature Senate is equally divided. A majority of ~~the all~~ members elected to the Legislature shall constitute a quorum in each house, and the members of each house; ~~the Legislature~~ shall determine the rules of its proceedings, shall ~~and~~ be the judge of the election, returns, and qualifications of its members, and shall choose its own officers. The Senate shall choose a President pro tempore, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acting as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Legislature and preside until a Speaker is chosen.

No member shall be expelled by either house except by a vote of two-thirds of all members ~~elected to the Legislature in the respective house~~, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior."

III-11 "Both the Senate and the House of Representatives ~~The Legislature~~ shall keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill."

III-12 "(1) No person shall be eligible to serve as a member of the Legislature Senate for four years next after the expiration of two consecutive terms regardless of the district represented. No person shall be eligible to

serve as a member of the House of Representatives for four years next after the expiration of two consecutive terms regardless of the district represented.

(2) ~~Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.~~

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term."

III-13 "The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members of the Senate and a majority of all members of the House of Representatives, ~~elected~~ and the yeas and nays on the question of final passage of any bill shall be entered upon the journal. All bills passed by one house may be amended by the other house. No amendment to a bill by one house shall be concurred in by the other house and no conference committee report as to any bill shall be adopted by either house, except by the assent of the same number of members as is required for the passage of the original bill. Any bill may originate in either house, except that bills appropriating money shall originate only in the House of Representatives."

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member of the Legislature. 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 in the Senate and in the House of Representatives unless three-fifths of all the members elected to the Legislature in the respective house vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject 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. The ~~Lieutenant Governor, or the Speaker if acting as presiding officer;~~ of each house shall sign, in the presence of the ~~Legislature~~ respective house while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature."

III-17 "The Legislature Senate and the House of Representatives in joint session shall have the sole power of impeachment, but a majority of all of the members of each house elected must concur therein. Upon the introduction of a resolution to impeach by either house, the other house shall at once be notified, and the two houses shall meet in joint session for the purpose of acting upon such resolution within three days after such notification. Proceedings may be initiated in either a regular session or a special session of the Legislature.

Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court,

shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature House of Representatives, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature House of Representatives, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside.

The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by ~~two senators~~ one Senator and one Representative, appointed by the Legislature respective house, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted."

III-22 "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members ~~elected to the Legislature in each house~~. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject."

III-27 "No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, which is expressed in the preamble or body of the act, ~~the Legislature~~ the Senate and the House of Representatives shall each by a vote of two-thirds of all the members of the respective house ~~elected~~ otherwise direct. All laws shall be published within sixty days after the adjournment of each session and distributed among the several counties in such manner 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 change from a unicameral to a bicameral legislative system.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 2CA. Introduced by D. Pederson, 42; Hartnett, 45.

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 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 real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real 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 certain improvements to historically significant real property from property taxation.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 3CA. Introduced by Beutler, 28.

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, 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 when ~~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 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, 2005, a recommended legislative code of ethics which may be adopted by the Legislature. The code of ethics shall include procedures for implementing such code. Beginning three years after the initial adoption of the recommended code of

ethics, 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 a code of ethics in its permanent rules.

(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 recommended 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 and shall review and submit a recommendation with respect to changes in the legislative code of ethics every fourth year after the submission of the original recommendation."

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".

Referred to the Reference Committee.

ANNOUNCEMENTS

Senator Jensen announced the Health and Human Services Committee elected Senator Byars as Vice Chairperson.

Senator Dw. Pedersen announced the Committee on Committees elected Senator Preister as Vice Chairperson.

Senator Hudkins announced the Rules Committee will meet January 10, 2003, at 9:00 a.m., in Room 1507.

MOTION - Escort Committees

Senator Bromm moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

RECESS

At 11:44 a.m., on a motion by Speaker Bromm, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Bromm presiding.

ROLL CALL

The roll was called and all members were present except Senator Chambers who was excused.

PRESENTATION OF COLORS

Presentation of Colors by the State Area Command of the Nebraska Army National Guard and the 155th Air Refueling Wing of the Nebraska Air National Guard.

INAUGURAL CEREMONIES

Chief Justice John Hendry administered the Oath of Office to the newly elected State officials.

Governor Mike Johanns delivered the following Inaugural Address:

GOVERNOR'S INAUGURAL ADDRESS

Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the Legislature, distinguished guests and friends, I am humbled and honored to stand before you today and to take the oath of office for a second term as Nebraska's 38th Governor.

Four years ago, in my first inaugural address, I referred to the words of former Nebraska Governor William A. Poynter who addressed the 26th session of the Nebraska Legislature in 1899.

Governor Poynter said, "We recognize that the primary power rests in the hands of the people and that this, their will, should be considered supreme. Partisanship may be bitter before election, but the will of the people having been expressed, citizenship should rise above partisanship. It is my most sincere desire that we shall cooperate for the best interests of the state."

Governor Poynter's address reflects the spirit of then and now. The legislative and executive branches of government can be more effective working toward a common purpose than we could ever hope to be working at cross-purposes.

In this session, there will be difficult choices and sacrifices made by each of us and by every Nebraskan. As we proceed, we must approach our discussions, our debate and our challenges with the civility that Nebraskans have come to expect from their leaders. That's not to say there won't be disagreements; there have been in the past. But we have accomplished much in four years, leaving me optimistic about this session and the coming four years.

In 1999, my administration began with a five-point agenda based on priorities set by Nebraskans: tax relief, less government, a strong statewide economy, protecting families, and ensuring the health, safety and success of Nebraska's children. Those priorities will continue.

The journey I began four years ago has spanned thousands of miles as I've traveled to every corner of Nebraska. Along the way, I've become acquainted with thousands of our citizens who have shared with me their hopes for the future, their concerns about the present and their memories of the past. I've been reminded that the pioneer spirit that Willa Cather detailed in her books still exists among Nebraskans, and that our heritage is one of our most precious resources.

Together, we've weathered natural disasters, devastating drought, financial hardships and acts of terrorism. And together, we've celebrated births, lauded graduations, reached out to our fellow man and laid the groundwork for an even brighter future for our children.

While there is no shortage to my optimism for the future, I realize that there are some very trying times ahead for our state. We must continue to work together to conquer our challenges and diversify our economy so that every Nebraskan has the opportunity to succeed in whatever life path they chose.

I approach the next four years of my service to the people of this great state with enthusiasm, humility and awe at the opportunity that has been bestowed upon me. I also approach the next four years with deep gratitude to you, the members of the Nebraska Unicameral, for your willingness to serve our state and to partner in leading our state forward. Your service has earned my admiration.

As I leave here today, I do so with tremendous hope for our future, knowing that our best days are still to come.

May God bless you, your families, and the great State of Nebraska.

The Governor, Chief Justice, associate justices, newly elected state officials, congressional delegation, and families were escorted from the Chamber.

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator Dw. Pedersen offered the following Committee on Committees report:

Agriculture - Kremer (C)			
Burling Chambers	Cunningham Erdman	Mossey Preister	Vrtiska
Appropriations - Wehrbein (C)			
Beutler Cudaback	Engel Kruse	Pederson, D. Price	Synowiecki Thompson
Banking, Commerce and Insurance - Quandahl (C)			
Foley Jensen	Johnson Louden	Mines Redfield	Tyson
Business and Labor - Vrtiska (C)			
Burling Chambers	Combs Hartnett	Kremer	Preister
Education - Raikes (C)			
Bourne Brashear	Byars Maxwell	McDonald Schrock	Stuhr
General Affairs - Janssen (C)			
Connealy Cunningham	Erdman Friend	Landis Mossey	Schimek
Government, Military and Veterans Affairs - Schimek (C)			
Aguilar Brown	Burling Combs	McDonald Smith	Vrtiska
Health and Human Services - Jensen (C)			
Byars Cunningham	Erdman Johnson	Maxwell	Stuthman
Judiciary - Brashear (C)			
Chambers Foley	Mines Mossey	Pedersen, Dw. Quandahl	Tyson
Natural Resources - Schrock (C)			
Friend Hudkins	Jones Kremer	Louden Preister	Stuhr
Nebraska Retirement Systems - Stuhr (C)			
Bourne Erdman	Price	Synowiecki	Wehrbein

	Revenue - Landis (C)		
Baker	Connealy	Janssen	Redfield
Bourne	Hartnett	Raikes	

	Transportation and Telecommunications - Baker (C)		
Aguilar	Hudkins	Pedersen, Dw.	Stuthman
Brown	Jones	Smith	

	Urban Affairs - Hartnett (C)		
Combs	Friend	Landis	Schimek
Connealy	Janssen		

	Committee on Committees - Pedersen, Dw. (C)		
Bourne	Cudaback	Jones	Price
Brashear	Kremer	Landis	Schimek
Bromm	Jensen	Preister	Schrock

Enrollment and Review - Mossey (C)

	Reference - Engel (C)		
Chambers	Cudaback	Thompson	Wehrbein
Beutler	Janssen	Tyson	
Bromm	Jones		

	Rules - Hudkins (C)		
Bromm	Pedersen, Dw.	Stuhr	Thompson
Baker			

	Executive Board - Engel (C)		
Chambers	Cudaback	Thompson	Wehrbein
Beutler	Janssen	Tyson	
Bromm	Jones		

	Intergovernmental Cooperation - Aguilar (C)		
Brown	Stuthman	Bromm	Lt. Gov.
McDonald	Maxwell		Heineman

VISITORS

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 2:35 p.m., on a motion by Senator Cunningham, the Legislature adjourned until 10:00 a.m., Friday, January 10, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 10, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE

FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 10, 2003

PRAYER

The prayer was offered by Senator Kruse.

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.

CORRECTIONS FOR THE JOURNAL

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 10, 2003.

The motion prevailed.

COMMITTEE ON COMMITTEES REPORT

Senator Dw. Pedersen moved to approve the following final Committee on Committees report:

	Agriculture - Kremer (C)		
Burling	Cunningham	Mossey	Vrtiska
Chambers	Erdman	Preister	
	Appropriations - Wehrbein (C)		
Beutler	Engel	Pederson, D.	Synowiecki
Cudaback	Kruse	Price	Thompson
	Banking, Commerce and Insurance - Quandahl (C)		
Foley	Johnson	Mines	Tyson
Jensen	Louden	Redfield	

Burling Chambers	Business and Labor - Vrtiska (C) Combs Hartnett	Kremer	Preister
Bourne Brashear	Education - Raikes (C) Byars Maxwell	McDonald Schrock	Stuhr
Connealy Cunningham	General Affairs - Janssen (C) Erdman Friend	Landis Mossey	Schimek
Aguilar Brown	Government, Military and Veterans Affairs - Schimek (C) Burling Combs	McDonald Smith	Vrtiska
Byars Cunningham	Health and Human Services - Jensen (C) Erdman Johnson	Maxwell	Stuthman
Chambers Foley	Judiciary - Brashear (C) Mines Mossey	Pedersen, Dw. Quandahl	Tyson
Friend Hudkins	Natural Resources - Schrock (C) Jones Kremer	Louden Preister	Stuhr
Bourne Erdman	Nebraska Retirement Systems - Stuhr (C) Price	Synowiecki	Wehrbein
Baker Bourne	Revenue - Landis (C) Connealy Hartnett	Janssen Raikes	Redfield
Aguilar Brown	Transportation and Telecommunications - Baker (C) Hudkins Jones	Pedersen, Dw. Smith	Stuthman
Combs Connealy	Urban Affairs - Hartnett (C) Friend Janssen	Landis	Schimek
Bourne Brashear Bromm	Committee on Committees - Pedersen, Dw. (C) Cudaback Jensen Jones	Kremer Landis Preister	Price Schimek Schrock

Enrollment and Review - Mossey (C)

Reference - Engel (C)

Beutler	Cudaback	Thompson	Wehrbein
Bromm	Janssen	Tyson	
Chambers	Jones		

Rules - Hudkins (C)

Baker	Bromm	Pedersen, Dw.	Stuhr
Beutler			

Executive Board - Engel (C)

Beutler	Cudaback	Thompson	Wehrbein
Bromm	Janssen	Tyson	
Chambers	Jones		

Intergovernmental Cooperation - Aguilar (C)

Bromm	Maxwell	Stuthman	Lt. Gov.
Brown	McDonald		Heineman

The Committee on Committees report was approved with 37 ayes, 0 nays, and 12 present and not voting.

SENATOR CUDABACK PRESIDING**BILLS ON FIRST READING**

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

LEGISLATIVE BILL 122. Introduced by Schrock, 38; Baker, 44; Bromm, 23; Byars, 30; Connealy, 16; Hartnett, 45; Hudkins, 21; Janssen, 15; Jensen, 20; Johnson, 37; Kruse, 13; Kremer, 34; Preister, 5; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-438, Revised Statutes Supplement, 2002; to change provisions relating to entry permit fees; and to repeal the original sections.

LEGISLATIVE BILL 123. Introduced by Schrock, 38; Baker, 44; Bromm, 23; Erdman, 47; Kremer, 34; Loudon, 49; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to ground water; to amend section 46-613.01, Revised Statutes Supplement, 2002; to change provisions relating to interstate transfers of ground water; and to repeal the original section.

LEGISLATIVE BILL 124. Introduced by Tyson, 19; Baker, 44; Brown, 6; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47;

Hudkins, 21; Jensen, 20; Jones, 43; Kruse, 13; Louden, 49; Mossey, 3; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1242, 72-1249, and 84-602, Reissue Revised Statutes of Nebraska, and section 72-1249.02, Revised Statutes Supplement, 2002; to change provisions relating to oversight of funds, contracts, and disbursements of the Nebraska Investment Council as prescribed; to provide duties for the State Treasurer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 125. Introduced by Tyson, 19; Baker, 44.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Revised Statutes Supplement, 2002; to require uniform prescription drug information cards; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 126. Introduced by Cudaback, 36; Bourne, 8; Connealy, 16; Jensen, 20; Schrock, 38.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101 to 81-2103, 81-2106 to 81-2108, 81-2113, 81-2114, 81-2117.02 to 81-2119, 81-2135, and 81-2141, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the State Electrical Board, licensing under the act, and fees; to harmonize provisions; to repeal the original sections; to outright repeal section 81-2145, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 127. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2602, Reissue Revised Statutes of Nebraska; to eliminate a restriction on conducting business as a financial institution; and to repeal the original section.

LEGISLATIVE BILL 128. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 3-103, 3-104, 3-309, 3-416, 3-417, 4-207, and 4-208, Uniform Commercial Code; to change provisions relating to negotiable instruments and warranties and to define a term; and to repeal the original sections.

LEGISLATIVE BILL 129. Introduced by Schimek, 27; Aguilar, 35; Byars, 30; Dw. Pedersen, 39; Preister, 5; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2002; 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 130. Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts; to amend sections 8-2202 to 8-2205, 8-2209 to 8-2211, 21-20,168, 25-2705, 25-2708, 30-2202, 30-2208, 30-2210 to 30-2212, 30-2214, 30-2222, 30-2352, 30-24,111, 30-2801 to 30-2803, 30-2805, 49-1544, 76-2004, and 76-2006, Reissue Revised Statutes of Nebraska, and sections 8-201, 12-1107, 24-517, 25-1901, 25-2728, 30-1601, 30-2464, 30-2628, 30-2637, 30-2646, 30-3119, 30-3201, 30-3205, 30-3508, and 30-3701 to 30-3706, Revised Statutes Supplement, 2002; to adopt the Nebraska Uniform Trust Code; to transfer and eliminate provisions of the Nebraska Uniform Prudent Investor Act; to eliminate the Nebraska Trustees' Powers Act and other provisions relating to trusts; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 8-2201, 8-2206 to 8-2208, 8-2212, 8-2213, 30-239, 30-240, 30-2804, 30-2806 to 30-2812, 30-2814 to 30-2818, and 30-2820 to 30-2826, Reissue Revised Statutes of Nebraska, and sections 30-2813 and 30-2819, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 131. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,139, 8-1501, 18-1505, 8-1506.01, 8-1901, 18-2707, 21-20,138, 45-1,112, 45-345, 64-215, 69-1301, and 77-2366, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-102, 8-103, 8-157.01, 8-345.01, 8-601, 8-602, 8-1110, 8-1401, 8-1502, 8-1504, 8-1516, 9-1,104, 12-1102, 12-1107, 21-20,162, 28-612, 45-101.04, 45-190, 45-702, 45-1002, 45-1003, 62-301, 76-2221, 77-2387, and 77-3801, Revised Statutes Supplement, 2002; to eliminate references to industrial loan and investment companies; to eliminate the Nebraska Depository Institution Guaranty Corporation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-401 to 8-404.02, 8-406 to 8-410, 8-410.02 to 8-417.01, 8-435 to 8-450, 21-17,127 to 21-17,145, Reissue Revised Statutes of Nebraska, and section 21-17,131, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 132. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to adopt the Interstate Compact for Juveniles.

LEGISLATIVE BILL 133. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-250, Revised Statutes Supplement, 2002; to change provisions relating to temporary custody; and to repeal the original section.

LEGISLATIVE BILL 134. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-1023, Reissue Revised Statutes of Nebraska; to authorize studies of the firefighters retirement system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Highway Trust Fund; to amend sections 39-2215 and 81-2004.02, Revised Statutes Supplement, 2002; to change allocation of the fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 136. Introduced by Thompson, 14.

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

LEGISLATIVE BILL 137. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,297, Reissue Revised Statutes of Nebraska; to eliminate a towing restriction; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Schrock, 38; Byars, 30; Maxwell, 9; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to the Uniform Anatomical Gift Act; to amend section 71-4802, Reissue Revised Statutes of Nebraska; to change provisions relating to revocation of gifts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 139. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to DNA testing; to amend sections 29-4104, 29-4105, and 29-4108, Revised Statutes Supplement, 2002; to change provisions relating to the State DNA Data Base and uses for DNA samples and records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 140. Introduced by Thompson, 14; Byars, 30.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,120.01, Revised Statutes Supplement, 2002; to change provisions relating to provisional operators' permits; and to repeal the original section.

LEGISLATIVE BILL 141. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to provide for certain storage appropriations as prescribed; and to prescribe requirements for certain storage structures.

LEGISLATIVE BILL 142. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2033, Reissue Revised Statutes of Nebraska; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 143. 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, and section 13-2042, Revised Statutes Supplement, 2002; to change provisions relating to permits and a fund; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to scrap tire disposal; to amend sections 13-2001, 13-2003, 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, 2002; to define a term; 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 145. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water; to amend sections 46-241, 46-242, 46-257, 54-2401, and 54-2412, Revised Statutes Supplement, 2002; to change provisions relating to storage facilities and livestock waste control facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 146. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2829, Reissue Revised Statutes of Nebraska, and sections 44-2840 and 44-2842, Revised Statutes Supplement, 2002; to change provisions relating to surcharges, notice, and termination of proceedings; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by D. Pederson, 42; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1808 and 85-1809, Revised Statutes

Supplement, 2002; to change provisions relating to cancellation and ownership rights; and to repeal the original sections.

LEGISLATIVE BILL 148. 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, 42-735, 42-737 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 149. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; Price, 26; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1244, 72-1248, 72-1252, 72-1254, 72-1258, and 83-133, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the investment of state funds; to provide and change powers and duties of the state investment officer; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-1253, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 150. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-15,141, Revised Statutes Supplement, 2002; to change an audit report filing requirement; and to repeal the original section.

LEGISLATIVE BILL 151. Introduced by Cunningham, 40; Engel, 17; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to public buildings; to amend sections 82-319, 85-106.01, and 85-304.01, Reissue Revised Statutes of Nebraska; to change the portion of appropriations to be used for the acquisition of art work; and to repeal the original sections.

LEGISLATIVE BILL 152. Introduced by Schimek, 27; Aguilar, 35; Byars, 30; Connealy, 16; Kruse, 13; Dw. Pedersen, 39; Preister, 5; 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 determination of residency; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 153. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to establish the Blue Ribbon Panel on Voter Education and Voter Turnout.

LEGISLATIVE BILL 154. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-1405 and 32-1412, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Secretary of State and to authorize certain actions regarding petition filings; and to repeal the original sections.

LEGISLATIVE BILL 155. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to real property; to amend section 76-238, Reissue Revised Statutes of Nebraska; to change provisions relating to leases; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1401 and 8-1402, Revised Statutes Supplement, 2002; to change provisions relating to disclosure of confidential information; and to repeal the original sections.

LEGISLATIVE BILL 157. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend section 2-4324, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2646, and 81-2,162.27, Revised Statutes Supplement, 2002; to redefine pesticide terms and change pesticide provisions; to eliminate a fund; to change funding provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to adopt the Scrapie Control and Eradication Act; to create a fund; to provide an operative date; and to provide penalties.

LEGISLATIVE BILL 159. Introduced by Kremer, 34.

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 160. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-785 to 54-788, 54-790, 54-791, 54-796, 54-1403, 54-1509, and 54-1517, Reissue Revised Statutes of Nebraska, and section 54-1182, Revised Statutes Supplement, 2002; to change provisions relating to livestock health certificates and animal importation; and to repeal the original sections.

LEGISLATIVE BILL 161. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 89-183, 89-185, 89-186, 89-187.02, and 89-188, Reissue Revised Statutes of Nebraska, and sections 89-187 and 89-1,100, Revised Statutes Supplement, 2002; to change provisions relating to the Weights and Measures Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 162. Introduced by Brown, 6; Jensen, 20; Johnson, 37; Redfield, 12; Synowiecki, 7.

A BILL FOR AN ACT relating to volunteer medical services; to provide immunity for physicians as prescribed.

LEGISLATIVE BILL 163. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend section 77-3442, Revised Statutes Supplement, 2002; to authorize exceeding the maximum tax levy as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 164. Introduced by Schrock, 38; Baker, 44; Cudaback, 36.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,149, Reissue Revised Statutes of Nebraska, and section 81-15,153, Revised Statutes Supplement, 2002; to change provisions relating to the Wastewater Treatment Facilities Construction Assistance Act; to redefine terms; to provide a power; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Friend, 10; Hudkins, 21; Jones, 43; Kremer, 34; Loudon, 49; Stuhr, 24; and Stuthman, 22; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to power districts; to amend section 70-627.02, Reissue Revised Statutes of Nebraska; to provide for indemnification for certain acts of negligence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 166. Introduced by Byars, 30; Beutler, 28; Bromm, 23; Brown, 6; Engel, 17; Jensen, 20; Johnson, 37; Price, 26; Schimek, 27; Schrock, 38; Stuhr, 24; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,265 and 60-6,272, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2002; to authorize enforcement of occupant protection system requirements as a primary action; to eliminate an evidentiary provision; to eliminate court costs; to prohibit a motor vehicle search as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-6,271 and 60-6,273, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 167. Introduced by Janssen, 15; Cudaback, 36; Hartnett, 45.

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; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 168. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2002; 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 169. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor fuel; to amend section 89-182.01, Reissue Revised Statutes of Nebraska; to define terms; to prohibit predatory pricing; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 170. Introduced by Vrtiska, 1.

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.

LEGISLATIVE BILL 171. Introduced by Foley, 29.

A BILL FOR AN ACT relating to juries; to amend section 25-1601, Reissue Revised Statutes of Nebraska; to provide for jury service postponement for nursing mothers; and to repeal the original section.

LEGISLATIVE BILL 172. Introduced by Foley, 29.

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

LEGISLATIVE BILL 173. Introduced by Foley, 29.

A BILL FOR AN ACT relating to medical assistance; to provide continued medical assistance for certain children after adoption.

LEGISLATIVE BILL 174. Introduced by Byars, 30.

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, 2002; to change provisions relating to entrance requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 175. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public funds; to amend sections 72-1261, 72-1265, 72-1268.01, 72-1268.02, and 72-1268.04, Reissue Revised Statutes of Nebraska, and sections 72-1262, 72-1263, 72-1264, 72-1266, 72-1268, 72-1268.03, 77-2365.01, 77-2387, and 77-2389, Revised Statutes Supplement, 2002; to change provisions relating to the Nebraska Capital Expansion Act; to define and redefine terms; to authorize the investment and deposit of state funds as prescribed; to change provisions relating to securities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 176. Introduced by Cunningham, 40; Bromm, 23; Friend, 10; McDonald, 41; Mossey, 3; D. Pederson, 42; Stuhr, 24; Synowiecki, 7.

A BILL FOR AN ACT relating to controlled substances; to amend sections 29-431, 29-433, and 29-434, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Supplement, 2002; to change provisions relating to possession of marijuana; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 177. Introduced by Redfield, 12; Quandahl, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2003, 77-2008.01, 77-2009, 77-2012, 77-2014, 77-2017 to 77-2018.02, 77-2018.07 to 77-2028, 77-2032, 77-2037, and 77-2039, Reissue Revised Statutes of Nebraska; to change the manner of collecting inheritance taxes; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2018.03 and 77-2030, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 178. Introduced by Engel, 17; Baker, 44; Byars, 30.

A BILL FOR AN ACT relating to railroad crossings; to amend section 74-1332, Revised Statutes Supplement, 2002; to provide jurisdiction over crossings for the Department of Roads; and to repeal the original section.

LEGISLATIVE BILL 179. Introduced by Engel, 17; Mossey, 3.

A BILL FOR AN ACT relating to criminal records; to amend section 29-3526, Reissue Revised Statutes of Nebraska, and section 81-2004.02, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to costs for criminal justice records; to harmonize provisions; to repeal the original sections; to outright repeal section 29-3524, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 180. Introduced by Engel, 17; Kremer, 34.

A BILL FOR AN ACT relating to animals; to amend sections 54-744 and 54-744.01, Revised Statutes Supplement, 2002; to change provisions relating to disposition of carcasses; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Stuhr, 24; Baker, 44; Kremer, 34; Raikes, 25.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to amend sections 32-571 and 85-103, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-572, Revised Statutes Supplement, 2002; to provide for filling vacancies on the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 182. Introduced by Transportation and Telecommunications Committee: Baker, 44, Chairperson; Aguilar, 35; Brown, 6; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Smith, 48; Stuthman, 22.

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 183. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Friend, 10; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24; and Baker, 44; Cudaback, 36; Wehrbein, 2.

A BILL FOR AN ACT relating to ground water; to state intent; to provide for a transfer fee as prescribed; to provide for permits, reports, and metering as prescribed; to create and provide for a fund; and to provide duties.

LEGISLATIVE BILL 184. Introduced by Baker, 44.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-292, 43-292.02, and 43-1312, Reissue Revised Statutes of Nebraska, and section 43-2,129, Revised Statutes Supplement, 2002; to require parents to attend hearings; to change provisions relating to termination of parental rights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 185. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-507, 60-513, 60-695, and 60-699, Reissue Revised Statutes of Nebraska; to change reporting and security requirements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by Baker, 44.

A BILL FOR AN ACT relating to junkyards; to amend sections 39-2601, 39-2602, 39-2603, 39-2605, 39-2606, and 39-2611, Reissue Revised Statutes of Nebraska; to change provisions relating to junkyards along interstate highways; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 187. Introduced by Baker, 44.

A BILL FOR AN ACT relating to highways; to amend sections 14-115, 14-116, 15-901, 39-1311, and 39-1311.01 to 39-1311.04, Reissue Revised Statutes of Nebraska, and sections 16-902 and 17-1002, Revised Statutes Supplement, 2002; to require subdivision plat reviews within highway corridors as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 188. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to state government; to amend sections 60-115 and 84-220, Reissue Revised Statutes of Nebraska; to increase fees for motor vehicle certificates of title; to provide for use of the fees by the Department of Justice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to gambling; to amend section 9-701, Reissue Revised Statutes of Nebraska; to change provisions relating to gift enterprises; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 190. Introduced by Redfield, 12; Friend, 10; Mossey, 3; Quandahl, 31.

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 191. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 2002; to change provisions relating to levy; and to repeal the original section.

LEGISLATIVE BILL 192. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 2002; to change a date relating to forms and applications; and to repeal the original sections.

LEGISLATIVE BILL 193. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1517, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2002; to change property tax levy provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 194. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Board; to amend section 48-1623, Revised Statutes Supplement, 2002; to change provisions relating to members; and to repeal the original section.

LEGISLATIVE BILL 195. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend section 48-606, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 196. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide requirements for

compensation coverage by employee services entities for client entities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 197. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend section 48-621, Revised Statutes Supplement, 2002; to authorize certain disposition of federal funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 198. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-121.02, 48-144, 48-144.01, 48-144.03, 48-145.02, 48-146.03, 48-152, 48-155.01, 48-157, 48-158, 48-159, 48-162, 48-165, and 48-188, Reissue Revised Statutes of Nebraska, and sections 48-106, 48-115, 48-118, 48-120, 48-120.02, 48-125, 48-145, 48-145.01, 48-145.04, 48-146, 48-146.02, 48-155, 48-162.01, 48-162.02, and 48-163, Revised Statutes Supplement, 2002; to provide for an administrator of the compensation court; to change provisions relating to coverage exclusions, duties of the court and the administrator and the clerk, managed care, interest, reports, notices, motions, hearings, surety liability, jurisdiction, substitute judges, salary and expenses, vocational rehabilitation, forms, and judgments; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-181, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 199. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-603.01 and 48-604, Revised Statutes Supplement, 2002; to change provisions relating to Indian tribe payments; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 200. Introduced by Aguilar, 35; Baker, 44; Burling, 33; Mossey, 3; Dw. Pedersen, 39; Synowiecki, 7; Tyson, 19.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Supplement, 2002; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 201. Introduced by Burling, 33; Bourne, 8; Stuthman, 22.

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 202. Introduced by Cunningham, 40; Byars, 30.

A BILL FOR AN ACT relating to health and human services; to provide for a prescription drug survey.

LEGISLATIVE BILL 203. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 29-213 and 29-214, Reissue Revised Statutes of Nebraska; to establish the Missing Persons Information Clearinghouse; to provide powers and duties for the patrol and local law enforcement agencies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 204. 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 district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to liquor control; to amend sections 53-123.02 and 53-123.03, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-1,104, Revised Statutes Supplement, 2002; to provide sale of inventory protections; to change provisions relating to sampling; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 206. Introduced by Kruse, 13; Burling, 33; Engel, 17; Friend, 10; Loudon, 49; Mossey, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska; to change provisions relating to theft; to change penalties; and to repeal the original section.

LEGISLATIVE BILL 207. Introduced by Kruse, 13; Brown, 6; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to public transportation; to amend section 13-1210, Reissue Revised Statutes of Nebraska; to change state funding for public transportation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 208. Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,110, 60-6,210, 60-6,211.04, and 83-1,129, Reissue Revised Statutes of Nebraska, and sections 28-306, 28-394, 60-462, 60-479, 60-484, 60-4,144, 60-601, 60-6,196, 60-6,197, 60-6,205, 60-6,209, and 60-6,211.05, Revised Statutes Supplement, 2002; to change provisions relating to driving under the influence and implied consent; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by Bromm, 23; Baker, 44; Connealy, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-498, 60-4,110, 60-4,129, 60-6,208, 60-6,211.04, 83-1,129, 84-205, and 84-913.03, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-4,118.06, 60-6,196, 60-6,197, 60-6,205 to 60-6,207, 60-6,209, and 60-6,211.05, Revised Statutes Supplement, 2002; to change, transfer, and eliminate provisions relating to administrative license revocation proceedings; to provide a duty for the Attorney General; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Bromm, 23; Connealy, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-125.01, Reissue Revised Statutes of Nebraska, and sections 48-106 and 48-115, Revised Statutes Supplement, 2002; to change applicability; to redefine terms; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 211. Introduced by Stuhr, 24; Combs, 32; Foley, 29; Hudkins, 21; Schimek, 27; Smith, 48; Thompson, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend section 28-101, Revised Statutes Supplement, 2002; to define terms; to prohibit body piercing, tattooing, and branding of minors without parental consent; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 212. Introduced by Kremer, 34; Baker, 44; Burling, 33; Cunningham, 40; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to tractor tests; to amend sections 2-2701.01, 2-2702, 2-2703, 2-2705, and 2-2707 to 2-2709, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the testing, review, and sale of current tractor models; to change a permit fee; to eliminate a fund; to repeal the original sections; and to outright repeal sections 2-2701, 2-2701.02, 2-2703.01, 2-2705.01, 2-2706, 2-2710, and 2-2711, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 213. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Licensed Practical Nurse-Certified Act; to amend section 71-1773, Reissue Revised Statutes of Nebraska, and sections 71-1774, 71-1775, 71-1776, 71-1779, and 71-1780, Revised Statutes Supplement, 2002; to eliminate provisions relating to nasogastric tube insertion by licensed practical nurses-certified; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 214. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to accountants; to amend sections 1-114, 1-118, 1-119, 1-120, 1-124, 1-135, and 1-136, Reissue Revised Statutes of Nebraska; to change provisions relating to examinations and fees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 215. 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, 2002; to authorize certain fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 216. Introduced by Banking, Commerce and Insurance Committee: Quandahl, 31, Chairperson; Foley, 29; Jensen, 20; Johnson, 37; Loudon, 49; Mines, 18; Redfield, 12; Tyson, 19.

A BILL FOR AN ACT relating to insurance; to amend sections 44-113, 44-114, 44-407.14, 44-501, 44-1994, 44-5101, 44-5110, and 44-5138, Reissue Revised Statutes of Nebraska, and sections 44-322, 44-924, 44-1103, 44-1106, 44-19,116, 44-2707, 44-5814, 44-7501, 44-7507, 44-7513, and 44-7515, Revised Statutes Supplement, 2002; to change provisions relating to reports, fees, financial statements, interest, policy forms, rules and regulations, form filing and approval requirements and investments; to eliminate an applicability provision; to repeal the original sections; and to outright repeal section 44-2823, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 217. Introduced by Banking, Commerce and Insurance Committee: Quandahl, 31, Chairperson; Foley, 29; Johnson, 37; Mines, 18; Redfield, 12; Tyson, 19.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-133, 8-148, 8-1,118, 8-373, 8-378, 8-701, 8-916, 8-1013, 8-1503, 8-1510, 8-1731, 21-17,102, 45-335, 45-343, 45-345, 59-1701.01, 59-1703, 59-1749, 59-1758.01, and 76-2,123, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-115.01, 8-132, 8-157, 8-1,140, 8-208, 8-234, 8-355, 8-602, 8-815, 8-1001, 8-1003, 8-1015, 8-1103, 8-1120, 8-1507, 8-1603,

21-1725.01, 21-17,115, 45-191.02, 45-902, 45-1002, 45-1003, and 45-1018, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to financial institutions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to personal loans; to provide additional powers to the Director of Banking and Finance with respect to securities registration enforcement; to provide for permissive adoption and promulgation of rules and regulations within the powers of the Department of Banking and Finance; to change funds for the credit of certain fees; to change provisions relating to seller-assisted marketing plans; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 8-131, Reissue Revised Statutes of Nebraska, and section 8-1103.01, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 218. Introduced by Banking, Commerce and Insurance Committee: Quandahl, 31, Chairperson; Foley, 29; Jensen, 20; Johnson, 37; Mines, 18; Redfield, 12; Tyson, 19.

A BILL FOR AN ACT relating to loans; to amend sections 45-705, 45-706, 45-709, 45-710, 45-711, 45-714, 45-715, 45-716, and 45-717.01, Reissue Revised Statutes of Nebraska, and sections 45-702, 45-704, 45-707, 45-1007, 45-1024, 45-1025, 45-1033, 45-1066, 76-252, and 76-1014.01, Revised Statutes Supplement, 2002; 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 219. Introduced by Erdman, 47; Louden, 49; Smith, 48.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3745 and 2-3748, Reissue Revised Statutes of Nebraska; to change provisions relating to the Dry Bean Commission; and to repeal the original sections.

LEGISLATIVE BILL 220. Introduced by Redfield, 12; Combs, 32; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01 to 77-3509.03, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-2716.01, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, and 77-3523, Revised Statutes Supplement, 2002; to change income tax deductions as prescribed; to create a homestead exemption; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by Byars, 30.

A BILL FOR AN ACT relating to pharmacy; to amend sections 71-140, 71-5402 to 71-5405, and 71-5407, Revised Statutes Supplement, 2002; to

change provisions relating to the Nebraska Drug Product Selection Act; to provide for licensure by reciprocity; to define and redefine terms; to change and eliminate provisions relating to drug product selection and labeling and to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1721, 23-1723, 23-1723.01, 23-1725 to 23-1727, 23-1729 to 23-1732, and 23-1734, Reissue Revised Statutes of Nebraska; to restate purposes of and change provisions for sheriff's office merit commissions; to provide procedures for grievances as prescribed; to eliminate prohibitions on political activity and certain conditions of employment; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-1736 and 23-1737, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 223. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502, Revised Statutes Supplement, 2002; to change tax protest provisions; and to repeal the original section.

LEGISLATIVE BILL 224. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,188.01, Reissue Revised Statutes of Nebraska, and sections 77-4106, 77-5408, 77-5531, and 77-5533, Revised Statutes Supplement, 2002; 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 225. Introduced by Synowiecki, 7; Aguilar, 35; Beutler, 28; Bourne, 8; Brown, 6; Connealy, 16; Cunningham, 40; Erdman, 47; Foley, 29; Friend, 10; Hartnett, 45; Janssen, 15; McDonald, 41; Mossey, 3; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Schrock, 38; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to probation; to amend sections 29-2263 and 29-2269, Reissue Revised Statutes of Nebraska, and section 29-2262, Revised Statutes Supplement, 2002; to provide additional conditions of probation for sex offenders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 226. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to labor; to amend section 48-217, Reissue Revised Statutes of Nebraska; to change provisions relating to labor organizations; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 227. Introduced by Aguilar, 35; Byars, 30; Price, 26; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,182 and 60-601, Revised Statutes Supplement, 2002; to prohibit transporting minors on vehicles as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 228. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; and Preister, 5; Price, 26.

A BILL FOR AN ACT relating to domestic violence; to amend sections 32-331 and 84-907.03, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2002; 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 229. Introduced by Tyson, 19; Mines, 18.

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 230. Introduced by Smith, 48; Burling, 33; Erdman, 47; Kremer, 34; Loudon, 49; Mossey, 3.

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 231. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the Nebraska Police Standards Advisory Council; to amend section 81-1407, Reissue Revised Statutes of Nebraska, and section 81-1417, Revised Statutes Supplement, 2002; to change membership provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 232. Introduced by Smith, 48.

A BILL FOR AN ACT relating to county records; to amend sections 23-1503.01, 33-109, and 33-130, Reissue Revised Statutes of Nebraska, and section 67-406, Revised Statutes Supplement, 2002; to provide funding for

record keeping and preservation; to establish a filing fee; to create a fund and committee; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 4CA. Introduced by Schrock, 38; Aguilar, 35; Baker, 44; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Hudkins, 21; Janssen, 15; Jensen, 20; Johnson, 37; Jones, 43; Kruse, 13; Loudon, 49; Mines, 18; McDonald, 41; Dw. Pedersen, 39; Smith, 48; Stuhr, 24; Stuthman, 22; Tyson, 19; Vrtiska, 1.

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 add a new section 25 to Article XV:

"Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed 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 preserve the right to fish, trap, and hunt subject to reasonable restrictions as prescribed by law.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 5. Introduced by Stuhr, 24.

WHEREAS, Suzanne Ratzlaff, fourth-grade teacher at Heartland Community Schools was honored as Nebraska's Teacher of the Year for 2003; and

WHEREAS, This award exemplifies the ideals of successful teaching: character, enthusiasm, understanding, community spirit, and a lifelong commitment to continuing education; and

WHEREAS, Suzanne Ratzlaff has taught for twenty-seven years and is known for her ability to include all students in her class, regardless of their skills; and

WHEREAS, Suzanne Ratzlaff has been honored at both the state and national levels as an outstanding teacher, who emphasizes the importance of community history through the innovative use of stories and the creation of plays and books by her students; and

WHEREAS, Suzanne Ratzlaff 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Suzanne Ratzlaff.
2. That a copy of this resolution be sent to Suzanne Ratzlaff.

Laid over.

LEGISLATIVE RESOLUTION 6CA. Introduced by Schrock, 38; Aguilar, 35; McDonald, 41; Dw. Pedersen, 39; Synowiecki, 7.

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)(a) For purposes of this subsection:

(i) 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, 2002; and

(ii) Interdiction gaming zone means an area of the state that lies within six miles of the state border.

(b) Nothing in the Constitution of Nebraska shall be construed to prohibit or restrict gaming as authorized in this subsection in an interdiction gaming zone created by the Legislature pursuant to this subsection or within licensed racetrack enclosures. The Legislature may make laws creating one interdiction gaming zone and authorizing up to eight gaming facilities within the zone. The Legislature may provide for regulation and taxation of gaming activities in the interdiction gaming zone and within licensed racetrack enclosures."

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, and to permit gaming in the interdiction gaming zone and within licensed racetrack enclosures.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 7CA. Introduced by Schrock, 38; Aguilar, 35; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Foley, 29; Hartnett, 45; Hudkins, 21; Janssen, 15; Jensen, 20; Kruse, 13; Kremer, 34; Maxwell, 9; Mossey, 3; D. Pederson, 42; Preister, 5; Price, 26; Smith, 48; Stuhr, 24; Synowiecki, 7; Thompson, 14; Tyson, 19; Vrtiska, 1.

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 12:

"III-12 (1)(a) Persons serving in the Legislature on January 1, 2001, are not ~~No person shall be~~ eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

(b) ~~(2)~~ Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in ~~subsection (1)~~ subdivision (1)(a) of this section.

(c) ~~(3)~~ For the purpose of subdivision (1)(a) of this section, service in office for more than one-half of a term shall be deemed service for a term.

(d) This subsection terminates January 1, 2009.

(2) Except as provided in subsection (1) of this section, persons elected or appointed to the Legislature for terms beginning after January 1, 2001, shall be ineligible to the office of member of the Legislature for more than three consecutive full four-year terms."

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 term limit provisions for the Legislature by limiting members elected or appointed for terms beginning after January 1, 2001, to three consecutive full four-year terms. For
Against".

Referred to the Reference Committee.

ANNOUNCEMENTS

Senator Hartnett announced the Urban Affairs Committee elected Senator Connealy as Vice Chairperson.

Senator Schimek announced the Government, Military and Veterans Affairs Committee elected Senator Smith as Vice Chairperson.

Senator Landis announced the Revenue Committee elected Senator Connealy as Vice Chairperson.

Senator Wehrbein announced the Appropriations Committee elected Senator D. Pederson as Vice Chairperson.

Senator Kremer announced the Agriculture Committee elected Senator Erdman as Vice Chairperson.

Senator Vrtiska announced the Business and Labor Committee elected Senator Burling as Vice Chairperson.

Senator Quandahl announced the Banking, Commerce and Insurance Committee elected Senator Tyson as Vice Chairperson.

Senator Raikes announced the Education Committee elected Senator Maxwell as Vice Chairperson.

Senator Schrock announced the Natural Resources Committee elected Senator Stuhr as Vice Chairperson.

Senator Baker announced the Transportation and Telecommunications Committee elected Senator Jones as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senators Combs and Johnson asked unanimous consent to have their names added as cointroducers to LB 146. No objections. So ordered.

Senators Engel and D. Pederson asked unanimous consent to have their names added as cointroducers to LB 92. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 96. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 117. No objections. So ordered.

Senator Friend asked unanimous consent to have his name added as cointroducer to LB 115. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 104. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 1	General File
LB 2	General File
LB 3	General File
LB 4	General File
LB 5	General File
LB 6	General File
LB 7	General File
LB 8	General File
LB 9	General File
LB 10	General File
LB 11	General File
LB 12	General File
LB 13	Government, Military and Veterans Affairs
LB 14	Government, Military and Veterans Affairs
LB 15	Government, Military and Veterans Affairs
LB 16	Business and Labor
LB 17	Judiciary
LB 18	Judiciary
LB 19	Judiciary
LB 20	Judiciary
LB 21	Judiciary
LB 22	Judiciary
LB 23	Judiciary
LB 24	Judiciary
LB 25	Judiciary
LB 26	Natural Resources
LB 27	Natural Resources
LB 28	Natural Resources
LB 29	Urban Affairs
LB 30	Natural Resources
LB 31	Natural Resources
LB 32	Natural Resources

LB 33	Natural Resources
LB 34	Natural Resources
LB 35	Natural Resources
LB 36	Judiciary
LB 37	Business and Labor
LB 38	Judiciary
LB 39	Business and Labor
LB 40	Government, Military and Veterans Affairs
LB 41	Government, Military and Veterans Affairs
LB 42	Revenue
LB 43	Judiciary
LB 44	Revenue
LB 45	Health and Human Services
LB 46	Judiciary
LB 47	Judiciary
LB 48	Judiciary
LB 49	Judiciary
LB 50	Judiciary
LB 51	Transportation and Telecommunications
LB 52	Urban Affairs
LB 53	Education
LB 54	Health and Human Services
LB 55	Health and Human Services
LB 56	Health and Human Services
LB 57	Revenue
LB 58	Judiciary
LB 59	Judiciary
LB 60	Banking, Commerce and Insurance
LB 61	Banking, Commerce and Insurance
LB 62	Judiciary
LB 63	Agriculture
LB 64	Agriculture
LB 65	Natural Resources
LB 66	Education
LB 67	Education
LB 68	Education
LB 69	Government, Military and Veterans Affairs
LB 70	Banking, Commerce and Insurance
LB 71	Banking, Commerce and Insurance
LB 72	Revenue
LB 73	Health and Human Services
LB 74	Natural Resources
LB 75	Government, Military and Veterans Affairs
LB 76	Urban Affairs
LB 77	Government, Military and Veterans Affairs
LB 78	Urban Affairs
LB 79	Banking, Commerce and Insurance
LB 80	Revenue
LB 81	Transportation and Telecommunications

LB 82	Education
LB 83	Government, Military and Veterans Affairs
LB 84	Government, Military and Veterans Affairs
LB 85	Banking, Commerce and Insurance
LB 86	Urban Affairs
LB 87	Judiciary
LB 88	Government, Military and Veterans Affairs
LB 89	Natural Resources
LB 90	Government, Military and Veterans Affairs
LB 91	Urban Affairs
LB 92	Government, Military and Veterans Affairs
LB 93	Natural Resources
LB 94	Natural Resources
LB 95	Health and Human Services
LB 96	Natural Resources
LB 97	Urban Affairs
LB 98	Revenue
LB 99	Government, Military and Veterans Affairs
LB 100	Transportation and Telecommunications
LB 101	Transportation and Telecommunications
LB 102	Transportation and Telecommunications
LB 103	Transportation and Telecommunications
LB 104	Judiciary
LB 105	Nebraska Retirement Systems
LB 106	Education
LB 107	Banking, Commerce and Insurance
LB 108	Revenue
LB 109	Revenue
LB 110	Government, Military and Veterans Affairs
LB 111	Judiciary
LB 112	Transportation and Telecommunications
LB 113	Transportation and Telecommunications
LB 114	Government, Military and Veterans Affairs
LB 116	Government, Military and Veterans Affairs
LB 117	Government, Military and Veterans Affairs
LB 118	Judiciary
LB 119	Health and Human Services
LB 121	Health and Human Services
LR 1CA	Executive Board
LR 2CA	Revenue

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Committee Proposal

#1

Amend Rule 1, Section 17(a).

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.

Amend Rule 3, Section 6.

By deleting all of it's provisions.

Amend Rule 5, Section 4 (c) (3).

By deleting all of it's provisions.

Committee Proposal

#2

To Rule 5

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 coinroducer 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. The Appropriations Committee may introduce bills enabling the appropriations recommendations contained in the annual report required by Rule 8, Sections 2 and 3. Such bills shall be introduced no later than the fifth legislative day following the presentation of the report as required by Rule 8, Section 3.

(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), Rule 5, Section 4(c)(3), 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.

To Rule 8

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the ~~recommended~~ preliminary total General Fund appropriation recommendations 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) legislation that would be required to enable recommended appropriations, and (7) economic conditions affecting the State of Nebraska.

Committee Proposal

#3

Amend Rule 3, Section 2 (a). Appointment of Committees

Strike all of its contents and insert the following new language:

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 the chairperson, and four from Districts Number 1 through 3, 15, 21 through 30, 32, and 46; four from Districts 4 through 14, 18, 20, 31, 39, and 45; and four from Districts 16, 17, 19, 33 through 38, 40 through 44, and 47 through 49.

Committee Proposal

#4

Amend Rule 9, 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.~~ A motion to raise must be disposed of by the Legislature within three legislative days after the motion is available for consideration or it shall be deemed defeated.

Amend Rule 9, Section. 7. Bills and Resolutions Held by Committee.

If the committee has not taken final action on a bill or resolution within two legislative 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.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Redfield, the Legislature adjourned until 10:00 a.m., Monday, January 13, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 13, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 2003

PRAYER

The prayer was offered by Reverend Jim Miller, Grace United Methodist Church, Hastings, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Dw. Pedersen presiding.

The roll was called and all members were present except Senators Johnson, Loudon, and Thompson who were excused; and Senators Bourne and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOTION - Adopt Temporary Rules

Senator Bromm moved that the rules, as now in our possession, be adopted for today only, Monday, January 13, 2003.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 29	Natural Resources (rereferred)
LB 82	Transportation and Telecommunications (rereferred)
LB 115	Executive Board
LB 120	Nebraska Retirement Systems
LB 122	Natural Resources
LB 123	Natural Resources
LB 124	Government, Military and Veterans Affairs

LB 125	Banking, Commerce and Insurance
LB 126	General Affairs
LB 127	Banking, Commerce and Insurance
LB 128	Banking, Commerce and Insurance
LB 129	Judiciary
LB 130	Banking, Commerce and Insurance
LB 131	Banking, Commerce and Insurance
LB 132	Judiciary
LB 133	Judiciary
LB 134	Nebraska Retirement Systems
LB 135	Transportation and Telecommunications
LB 136	Judiciary
LB 137	Transportation and Telecommunications
LB 138	Health and Human Services
LB 139	Judiciary
LB 140	Transportation and Telecommunications
LB 141	Natural Resources
LB 142	Natural Resources
LB 143	Natural Resources
LB 144	Natural Resources
LB 145	Natural Resources
LB 146	Judiciary
LB 147	Education
LB 148	Judiciary
LB 149	Government, Military and Veterans Affairs
LB 150	Urban Affairs
LB 151	Appropriations
LB 152	Education
LB 153	Government, Military and Veterans Affairs
LB 154	Government, Military and Veterans Affairs
LB 155	Banking, Commerce and Insurance
LB 156	Banking, Commerce and Insurance
LB 157	Agriculture
LB 158	Agriculture
LB 159	Agriculture
LB 160	Agriculture
LB 161	Agriculture
LB 162	Judiciary
LB 163	Revenue
LB 164	Natural Resources
LB 165	Natural Resources
LB 166	Transportation and Telecommunications
LB 167	Urban Affairs
LB 168	Revenue
LB 169	Agriculture
LB 170	Revenue
LB 171	Judiciary
LB 172	Education
LB 173	Health and Human Services

LB 174	Health and Human Services
LB 175	Banking, Commerce and Insurance
LB 176	Judiciary
LB 177	Revenue
LB 178	Transportation and Telecommunications
LB 179	Judiciary
LB 180	Agriculture
LB 181	Education
LB 182	Transportation and Telecommunications
LB 183	Natural Resources
LB 184	Judiciary
LB 185	Transportation and Telecommunications
LB 186	Transportation and Telecommunications
LB 187	Transportation and Telecommunications
LB 188	Transportation and Telecommunications
LB 189	General Affairs
LB 190	Judiciary
LB 191	Revenue
LB 192	Revenue
LB 193	Revenue
LB 194	Business and Labor
LB 195	Business and Labor
LB 196	Business and Labor
LB 197	Business and Labor
LB 198	Business and Labor
LB 199	Business and Labor
LB 200	Judiciary
LB 201	Judiciary
LB 202	Health and Human Services
LB 203	Judiciary
LB 204	Transportation and Telecommunications
LB 205	General Affairs
LB 206	Judiciary
LB 207	Transportation and Telecommunications
LB 208	Transportation and Telecommunications
LB 209	Transportation and Telecommunications
LB 210	Business and Labor
LB 211	Judiciary
LB 212	Agriculture
LB 213	Health and Human Services
LB 214	Banking, Commerce and Insurance
LB 215	Banking, Commerce and Insurance
LB 216	Banking, Commerce and Insurance
LB 217	Banking, Commerce and Insurance
LB 218	Banking, Commerce and Insurance
LB 219	Agriculture
LB 220	Revenue
LB 221	Health and Human Services
LB 222	Government, Military and Veterans Affairs

LB 223	Revenue
LB 224	Revenue
LB 225	Judiciary
LB 226	Business and Labor
LB 227	Transportation and Telecommunications
LB 228	Judiciary
LB 229	Business and Labor
LB 230	Agriculture
LB 231	Judiciary
LB 232	Government, Military and Veterans Affairs
LR 3CA	Executive Board
LR 4CA	Natural Resources
LR 6CA	General Affairs
LR 7CA	Executive Board

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 233. Introduced by Price, 26; Aguilar, 35; Bourne, 8; Byars, 30; Chambers, 11; Engel, 17; Erdman, 47; Hartnett, 45; Hudkins, 21; Janssen, 15; Kruse, 13; Mossey, 3; D. Pederson, 42; Quandahl, 31; Redfield, 12; Schimek, 27; Schrock, 38; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to animals; to amend sections 54-626 and 54-627, Revised Statutes Supplement, 2002; to change provisions in the Commercial Dog and Cat Operator Inspection Act; to require licensure and fees as prescribed; to change inspection fees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 234. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to public assistance; to provide for administrative disqualification hearings for certain programs as prescribed; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 235. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-548, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals of special assessments; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 236. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to public records; to amend section 84-12.05, Revised Statutes Supplement, 2002; to eliminate provisions for routine directory information; and to repeal the original section.

LEGISLATIVE BILL 237. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to liquefied petroleum gas; to require notice of installation and changes to gas systems; and to provide for immunity from damages for retailers, handlers, and transporters.

LEGISLATIVE BILL 238. Introduced by Price, 26; Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-105, 60-311.16, 60-320, 60-6,162, and 60-3001, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-6,226, Revised Statutes Supplement, 2002; 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 239. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 2002; to change provisions relating to recipients' resources; and to repeal the original section.

LEGISLATIVE BILL 240. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to medical assistance; to amend section 30-2201, Revised Statutes Supplement, 2002; to provide for notice of appointment of a personal representative under the Nebraska Probate Code as prescribed; to provide a lien against third parties for payment of medical assistance; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 241. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1559 and 71-4604.01, Revised Statutes Supplement, 2002; to change provisions for establishing fees for modular housing units, manufactured homes, and recreational vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to amend sections 46-1236, 71-145, 71-163, 71-172.02, 71-1,132.48, 71-1,132.53, 71-1,232, 71-1,242, 71-1,291, 71-1,320, 71-1,322, 71-1,327, 71-1,331, 71-388, 71-394.01, 71-3,125, 71-3,132, 71-3,173, 71-1304, 71-1327, 71-1327.01, 71-1331, 71-3702, 71-3704, 71-3705,

71-3712, 71-4714.01, 71-6101, 71-6107, 71-6110, 71-6114, and 71-7421, Reissue Revised Statutes of Nebraska, and sections 11-201, 28-406, 28-410, 33-151, 46-602, 46-606, 46-1222, 46-1224, 46-1229, 46-1231, 69-305, 71-101, 71-110, 71-121.01, 71-122, 71-131, 71-149, 71-157, 71-158, 71-162, 71-172.01, 71-175, 71-185, 71-185.02, 71-185.03, 71-193.18, 71-193.31, 71-1,104, 71-1,107.10, 71-1,107.13, 71-1,107.14, 71-1,107.26, 71-1,132.13, 71-1,132.20, 71-1,132.21, 71-1,132.37, 71-1,135.02, 71-1,143.01, 71-1,147.30, 71-1,147.42, 71-1,147.64, 71-1,158, 71-1,161, 71-1,165, 71-1,166, 71-1,194, 71-1,195.01, 71-1,227, 71-1,228, 71-1,235, 71-1,238, 71-1,239.01, 71-1,240, 71-1,278, 71-1,281.01, 71-1,294, 71-1,314.01, 71-1,319.01, 71-1,329, 71-1,344, 71-1,345, 71-397, 71-3,115, 71-3,147, 71-3,155, 71-3,184, 71-3,196, 71-3,205, 71-3,214, 71-3,221, 71-3,228, 71-1722, 71-1723, 71-1724, 71-1725.01, 71-1730, 71-1735, 71-1755, 71-1757, 71-1777, 71-1778, 71-1787, 71-2803.01, 71-2819, 71-3508.03, 71-3515.02, 71-3703, 71-3708, 71-3710, 71-4305, 71-4706, 71-4708, 71-4711, 71-5172, 71-5306, 71-5308, 71-6053, 71-6054, 71-6055, 71-6060, 71-6061, 71-6063, 71-6106, 71-6113, 71-6303, 71-6321, 71-6328.01, 71-6734, 71-7417, 71-7418, and 71-7420, Revised Statutes Supplement, 2002; to provide, change, and eliminate fee provisions for certain professions and occupations; to change credentialing provisions; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-109, 71-1,132.22, 71-1,132.47, 71-1,132.49, 71-1,132.50, 71-383, 71-384, 71-1336, 71-1760, 71-1786, 71-4718, and 71-6116, Reissue Revised Statutes of Nebraska, and sections 71-1,136.02, 71-1,150, 71-1,206.13, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-1,350, 71-381, 71-382, and 71-1727, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 243. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1203, Revised Statutes Supplement, 2002; to change the disposition of fines; to delete obsolete language; and to repeal the original section.

SPEAKER BROMM PRESIDING

MOTION - Adopt Permanent Rules

Senator Hudkins moved to adopt the permanent rules for the Ninety-Eighth Legislature, First Session.

The Rules Committee renewed the proposed rules changes, Committee Proposal #1, found on page 84, to amend Rule 1, Section 17(a), Rule 3, Section 6, and Rule 5, Section 4(c)(3).

The Rules Committee offered the following amendment to the proposed rules changes, Committee Proposal #1:

Rule 1, Section 17 (a).

Strike the last sentence in the section.

The Rules Committee amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The Rules Committee proposed rules changes, Committee Proposal #1, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The Rules Committee renewed the proposed rules changes, Committee Proposal #2, found on pages 84 and 85, to amend Rule 5 and Rule 8.

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

Senator Chambers requested a record vote on the Committee Proposal #2.

Voting in the affirmative, 29:

Baker	Combs	Hudkins	Mines	Stuhr
Beutler	Cudaback	Jensen	Pedersen, Dw.	Stuthman
Bromm	Cunningham	Jones	Pederson, D.	Synowiecki
Brown	Engel	Kremer	Preister	Vrtiska
Burling	Foley	Kruse	Price	Wehrbein
Byars	Friend	Landis	Redfield	

Voting in the negative, 10:

Brashear	Hartnett	Mossey	Raikes	Smith
Chambers	McDonald	Quandahl	Schimek	Tyson

Present and not voting, 5:

Connealy	Erdman	Janssen	Maxwell	Schrock

Excused and not voting, 5:

Aguilar	Bourne	Johnson	Louden	Thompson

The Rules Committee proposed rules changes, Committee Proposal #2, was adopted with 29 ayes, 10 nays, 5 present and not voting, and 5 excused and not voting.

The Rules Committee renewed the proposed rules change, Committee Proposal #3, found on page 85, to Rule 3, Section 2(a).

Senators Baker, Kremer, and Mossey offered the following amendment to

the proposed rules change, Committee Proposal #3:
Move District 3 from the 1st Caucus to the 2nd Caucus.
Move District 34 from the 3rd Caucus to the 1st Caucus.

The Baker et al. amendment was adopted with 25 ayes, 12 nays, 8 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 244. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-942, Reissue Revised Statutes of Nebraska; to change provisions relating to priorities; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 40; Erdman, 47; Maxwell, 9; Stuthman, 22.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-1716 and 71-1,233, Reissue Revised Statutes of Nebraska, and sections 28-405, 29-4125, 43-1723, 46-602, 46-1204.01, 46-1235, 71-155.01, 71-176.01, 71-1,143.01, 71-1,166, and 81-1316, Revised Statutes Supplement, 2002; to change provisions relating to controlled substance schedules, child support, the DNA Testing Act, water well decommissioning and licensure, podiatry examinations, veterinary technician license fees, temporary licenses to practice respiratory care and pharmacy experience; to redefine terms; to provide an exemption from coverage by the State Personnel System for certain health and human services employees; to eliminate provisions relating to wells and pitfalls and temporary permits to practice respiratory care; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 54-311 to 54-315, and 71-1,232, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 246. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442 and 79-10,110, Revised Statutes Supplement, 2002; to provide for funding for correcting life safety code violations; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Redfield, 12; Baker, 44; Burling, 33; Erdman, 47; Wehrbein, 2.

A BILL FOR AN ACT relating to bonds; to authorize the sale of bonds by political subdivisions using the Internet; and to provide powers and duties for the State Treasurer.

LEGISLATIVE BILL 248. Introduced by Redfield, 12; Baker, 44; Burling, 33; Erdman, 47; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend sections 72-1261, 72-1265, 72-1267, 72-1268.01, 72-1268.02, 72-1268.04, and 72-1268.07, Reissue Revised Statutes of Nebraska, and sections 72-1262 to 72-1264, 72-1266, 72-1268, and 72-1268.03, Revised Statutes Supplement, 2002; to provide for investment of state funds using competitive bidding on the Internet; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 249. Introduced by Stuhr, 24; D. Pederson, 42; Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-237, Revised Statutes Supplement, 2002; to change provisions relating to option enrollment program deadlines and ineligibility for activities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 250. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3512 and 2-3520, Reissue Revised Statutes of Nebraska, and sections 81-2,239, 81-2,244.01, 81-2,245.01, 81-2,257, 81-2,263, 81-2,270, 81-2,272.10, 81-2,272.15, 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, 81-2,272.28, 81-2,272.29, and 81-2,272.30, Revised Statutes Supplement, 2002; 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; to outright repeal section 2-3517, Reissue Revised Statutes of Nebraska, and sections 81-2,270.01, 81-2,272.07 to 81-2,272.09, 81-2,272.11 to 81-2,272.13, and 81-2,272.18, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 251. Introduced by Cunningham, 40; Burling, 33; Erdman, 47; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to unemployment compensation; to amend sections 48-602 and 48-628, Revised Statutes Supplement, 2002; to redefine a term; to change conditions for disqualification for benefits; and to repeal the original sections.

LEGISLATIVE BILL 252. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1727, Reissue Revised Statutes of Nebraska; to change provisions relating to amending articles of association; and to repeal the original section.

LEGISLATIVE BILL 253. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to selection and obligations of presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 254. Introduced by Landis, 46.

A BILL FOR AN ACT relating to radioactive and transuranic waste; to state intent; to provide for shipping fees; to create a fund and provide for its use; to provide duties; to provide for applicability; and to declare an emergency.

LEGISLATIVE BILL 255. 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 256. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to provide a minimum wage for state employees.

LEGISLATIVE BILL 257. Introduced by Bromm, 23.

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 258. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to accountants; to amend section 1-135, Reissue Revised Statutes of Nebraska; to change provisions relating to managers of accounting offices; and to repeal the original section.

LEGISLATIVE BILL 259. Introduced by Bromm, 23; 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.

LEGISLATIVE BILL 260. Introduced by Bromm, 23; Byars, 30; Cunningham, 40; Engel, 17; Tyson, 19.

A BILL FOR AN ACT relating to driving under the influence; to amend section 29-215, Revised Statutes Supplement, 2002; 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 261. Introduced by Foley, 29.

A BILL FOR AN ACT relating to election campaigns; to amend sections 32-1601, 32-1606, 32-1607, 32-1609, and 32-1612, Reissue Revised Statutes of Nebraska, and sections 32-1604, 32-1604.01, and 49-1449, Revised Statutes Supplement, 2002; to change and eliminate provisions of the Campaign Finance Limitation Act; to change provisions relating to statements of organization for campaign committees; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-1614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 262. Introduced by Raikes, 25; D. Pederson, 42.

A BILL FOR AN ACT relating to schools; to amend section 79-235, Reissue Revised Statutes of Nebraska, and sections 79-215 and 79-237, Revised Statutes Supplement, 2002; to change provisions relating to the option enrollment program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 263. Introduced by Raikes, 25; Janssen, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028, Revised Statutes Supplement, 2002; to provide for exceeding the applicable allowable growth rate for new full-day kindergarten programs; and to repeal the original section.

LEGISLATIVE BILL 264. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend sections 79-717, 79-801, 79-806, 79-807, 79-811, 79-827, 79-829, 79-871, 79-1239, and 79-1324, Reissue Revised Statutes of Nebraska, and sections 23-3302, 79-808, 79-809, 79-810, 79-812, 79-814, 79-816, and 79-1605, Revised Statutes Supplement, 2002; to change, transfer, and eliminate provisions relating to certificates, permits, and criminal history record information checks; to define and redefine terms; to rename and eliminate funds; to eliminate the Interstate Agreement on Qualification of Educational

Personnel and related provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-893 to 79-895 and 79-8,111 to 79-8,117, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 265. Introduced by Tyson, 19; Aguilar, 35; Baker, 44; Byars, 30; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; McDonald, 41; Mossey, 3; Dw. Pedersen, 39; D. Pederson, 42; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Synowiecki, 7; Vrtiska, 1; Wehrbein, 2.

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, 2002; 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 266. Introduced by Tyson, 19; Hartnett, 45.

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

LEGISLATIVE BILL 267. Introduced by Tyson, 19; Aguilar, 35; Baker, 44; Byars, 30; Friend, 10; Hartnett, 45; Kremer, 34; McDonald, 41; Quandahl, 31.

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, 2002; to require checks for certain license applicants as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 268. Introduced by Tyson, 19; Kremer, 34.

A BILL FOR AN ACT relating to courts; to amend sections 23-1705 and 24-514, Reissue Revised Statutes of Nebraska; to require the Supreme Court to pay security costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 269. Introduced by Tyson, 19; Connealy, 16.

A BILL FOR AN ACT relating to public service attorneys; to amend section 29-3927, Revised Statutes Supplement, 2002; to adopt the Legal Education for Public Service Loan Repayment Act; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 270. Introduced by Brashear, 4; Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-112, Revised Statutes Supplement, 2002; to change provisions relating to allegations set forth in the indictment or information; and to repeal the original section.

LEGISLATIVE BILL 271. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1423, 81-1841, 81-1844, 81-1845, 81-1848, and 81-1850, Reissue Revised Statutes of Nebraska, and sections 29-119 and 81-1849, Revised Statutes Supplement, 2002; to change provisions relating to victim's rights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to animals; to amend section 28-101, Revised Statutes Supplement, 2002; to define terms; to provide for reporting of animal abandonment, cruel neglect, and cruel mistreatment; and to repeal the original section.

LEGISLATIVE BILL 273. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-625, Revised Statutes Supplement, 2002; to state requirements for commercial breeders as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 274. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-625, Revised Statutes Supplement, 2002; to require dealers to provide purchasers with information as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 275. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the sale or manufacture of engine coolant or antifreeze; to require inclusion of a bittering agent as prescribed; and to provide a penalty.

LEGISLATIVE BILL 276. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to rodeos; to require notifications of performances, the presence of veterinarians, and the humane treatment of animals participating in rodeos as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 277. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-630, 16-669, 16-670, 17-976, 18-2003, 19-2404, 19-2405, and 19-2419, Reissue Revised Statutes of Nebraska; to change provisions relating to assessments and bonds; and to repeal the original sections.

LEGISLATIVE BILL 278. Introduced by Synowiecki, 7; Vrtiska, 1.

A BILL FOR AN ACT relating to elevator safety; to amend sections 48-418 to 48-418.03 and 48-418.05 to 48-418.11, Reissue Revised Statutes of Nebraska; to adopt the Elevator Safety Act; to transfer and eliminate provisions relating to elevators; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-418.04, 48-418.12 and 48-418.14, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 279. Introduced by Jones, 43; Baker, 44; Cudaback, 36; Cunningham, 40; Janssen, 15; Quandahl, 31; Smith, 48; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-320, Reissue Revised Statutes of Nebraska, and sections 60-305.09, 60-308, and 60-311, Revised Statutes Supplement, 2002; to provide for five-year issuance of license plates; to change provisions relating to record keeping; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 280. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.07, Revised Statutes Supplement, 2002; to exempt residential building cleaning and maintenance services from sales tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 281. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 2002; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 282. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324, 77-3,117, 77-2702.04 to 77-2702.06, 77-2702.08, 77-2702.10, 77-2702.18 to 77-2702.26, 77-2704.10, 77-2704.13, 77-2704.14, 77-2704.24, 77-2708.01, 77-2713, 77-27,119.03, 77-27,142, and 77-27,143, Reissue Revised Statutes of Nebraska, and sections 9-306.01, 13-319 13-326, 77-2701, 77-2702.03, 77-2702.07, 77-2702.09, 77-2702.11, 77-2702.14 to 77-2702.16, 77-2703,

77-2704.09, 77-2704.26, 77-2705, 77-2708, 77-2711, 77-2712.02 to 77-2712.05, 77-27,147, and 77-27,223, Revised Statutes Supplement, 2002; to change and eliminate sales and use tax provisions to carry out the streamlined sales tax system; to eliminate the Uniform Sales and Use Tax Administration Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-2702.12, Reissue Revised Statutes of Nebraska, and sections 77-2702.13, 77-2702.17, 77-2706.02, 77-2712, 77-2712.01, and 77-2712.08, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 283. Introduced by Landis, 46.

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 for manufacturer and wholesaler tax rates; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 284. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska; to change income tax calculations for unitary businesses; and to repeal the original section.

LEGISLATIVE BILL 285. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 2002; to change the sales tax rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 286. Introduced by Landis, 46.

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, 2002; to change income tax and sales tax rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 287. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska, and section 77-2702.07, Revised Statutes Supplement, 2002; to change sales and use tax provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Price, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-10,119, Reissue Revised Statutes of Nebraska, and section 79-10,103, Revised Statutes Supplement, 2002; to change provisions relating to acquisition of property; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by Price, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2002; to change provisions relating to tuition; and to repeal the original section.

LEGISLATIVE BILL 290. Introduced by Redfield, 12; Combs, 32.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3509.01 to 77-3509.03, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-2716.01, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, and 77-3523, Revised Statutes Supplement, 2002; to change provisions relating to income tax deductions; to create a homestead exemption for property tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 8CA. Introduced by Schimek, 27; Quandahl, 31.

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 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 an annual~~ salary of ~~not to exceed one twenty~~ 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."

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 annual salary of members of the Legislature to twenty thousand dollars.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 9CA. Introduced by Schimek, 27; Quandahl, 31.

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, sections 7 and 19:

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~~ Until January 5, 2005, 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. Commencing January 5, 2005, each member of the Legislature shall receive an annual salary of twenty thousand dollars during the term of his or her office which shall be adjusted beginning January 1, 2006, and every two years thereafter, by the average percentage pay increase negotiated for members of the state employee collective bargaining units for the prior fiscal year. 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-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.

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 Constitution of Nebraska."

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 of members of the Legislature and provide for adjustment every two years.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 10CA. Introduced by Beutler, 28.

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 IV, section 13:

IV-13 "(1) The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said~~ The board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment.

(2) The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites,

reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment. The board shall not pardon or commute the sentence of an offender sentenced to life imprisonment without parole unless the board is unanimous in its decision to pardon or commute and either (a) the offender is elderly, permanently infirm, or permanently disabled and the offender poses no threat to the public safety or (b) based on newly discovered evidence presented to the board, a reasonable doubt as to the offender's guilt is created.

(3) The Board of Parole may advise the Governor, Attorney General, and Secretary of State on the merits of any application for remission, respite, reprieve, pardon, or commutation, but such advice shall not be binding on them.

(4) The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve."

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 place restrictions on the power of the board of pardons in commuting a sentence of life imprisonment without parole or pardoning an offender sentenced to life imprisonment without parole.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 11CA. Introduced by Janssen, 15; Byars, 30; Connealy, 16; Cunningham, 40; Schrock, 38; Synowiecki, 7.

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) The Legislature may authorize and regulate games of chance. 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.

For

Against".

Referred to the Reference Committee.

VISITORS

Visitors to the Chamber were members of the Nebraska Pork Producers from across the state.

RECESS

At 11:52 a.m., on a motion by Senator Hudkins, 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 Johnson, Loudon, Price, and Thompson who were excused; and Senator Cunningham

who was excused until he arrives.

SPEAKER BROMM PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 291. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5021, Reissue Revised Statutes of Nebraska, and sections 77-103.01, 77-1504.01, 77-1510, 77-5001, 77-5003, 77-5005, 77-5011, 77-5015, 77-5016, 77-5022, and 77-5023, Revised Statutes Supplement, 2002; to redefine a term; to change provisions relating to appeals, the Tax Equalization and Review Commission, hearings, notices, meetings, and powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 292. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 18-1743, Reissue Revised Statutes of Nebraska, and sections 77-101, 77-115, 77-126, 77-129, 77-202.11, and 77-1311, Revised Statutes Supplement, 2002; to change notice requirements; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 293. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 60-3006, 77-202.02, and 77-1502, Revised Statutes Supplement, 2002; to eliminate reporting requirements to the Department of Property Taxation and Assessment; and to repeal the original sections.

LEGISLATIVE BILL 294. Introduced by Foley, 29; Baker, 44; Bromm, 23; Burling, 33; Byars, 30; Combs, 32; Cunningham, 40; Engel, 17; Erdman, 47; Friend, 10; Hartnett, 45; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Maxwell, 9; Mines, 18; Mossey, 3; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to unborn children; 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 295. Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1359 and 77-1361, Revised Statutes Supplement, 2002; to change provisions relating to valuation of farm sites; and to repeal the original sections.

LEGISLATIVE BILL 296. Introduced by Baker, 44.

A BILL FOR AN ACT relating to railroads; to amend section 74-1334, Revised Statutes Supplement, 2002; to change provisions relating to railroad crossing safety; to provide for the closing of certain railroad crossings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 297. Introduced by Hartnett, 45; Byars, 30.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend sections 83-1201, 83-1203, and 83-1216, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to receipt of services; to harmonize provisions; and to repeal the original sections.

ANNOUNCEMENTS

Senator Stuhr announced the Nebraska Retirement Systems Committee elected Senator Bourne as Vice Chairperson.

Senator Janssen announced the General Affairs Committee elected Senator Cunningham as Vice Chairperson.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Adopt Permanent Rules

The Rules Committee proposed rules change, Committee Proposal #3, found on page 85 and considered in this day's Journal, to Rule 3, Section 2(a), was renewed.

Senator Quandahl offered the following amendment to the proposed rules change, Committee Proposal #3:

Move Districts 16, 17 and 19 from 3rd Caucus to 1st Caucus.
Move Districts 22, 24 and 34 from 1st Caucus to 3rd Caucus.

Senator Quandahl withdrew his amendment.

The Rules Committee proposed rules changes, Committee Proposal #3, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The Rules Committee renewed the proposed rules changes, Committee Proposal #4, found on page 86, to Rule 9, Section 6 and Rule 9, Section 7.

The Rules Committee proposed rules changes, Committee Proposal #4, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Maxwell offered the following proposed rules change:

Amend 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; 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~~ three-fifths 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.

A 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.

SENATOR CUDABACK PRESIDING

Senator Maxwell moved to suspend all pertinent rules and vote immediately upon the adoption of the Maxwell amendment without further amendment, motion or debate.

Senator Maxwell moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Senator Maxwell requested a roll call vote on his motion to suspend the rules:

Voting in the affirmative, 15:

Erdman	Hudkins	Maxwell	Schrock	Stuthman
Foley	Jones	Quandahl	Smith	Tyson
Friend	Kruse	Redfield	Stuhr	Vrtiska

Voting in the negative, 21:

Aguilar	Bromm	Hartnett	Pederson, D.	Wehrbein
Baker	Brown	Janssen	Preister	
Beutler	Burling	Landis	Raikes	
Bourne	Byars	Mossey	Schimek	
Brashear	Connealy	Pedersen, Dw.	Synowiecki	

Present and not voting, 8:

Chambers	Cudaback	Jensen	McDonald
Combs	Engel	Kremer	Mines

Excused and not voting, 5:

Cunningham	Johnson	Louden	Price	Thompson

The Maxwell motion to suspend the rules failed with 15 ayes, 21 nays, 8 present and not voting, and 5 excused and not voting.

Senator Maxwell withdrew his pending proposed rules change.

The Chair declared the call raised.

Senator Schimek offered the following proposed rules changes:

Amend Rule 3, Section 4 (e)(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. The Reference Committee shall refer to itself only those bills or resolutions which involve the internal operations of the Legislature as a whole or those which involve litigation or potential litigation wherein the Legislature or some of its members are parties thereto. Bills or resolutions which involve any other branch or government or which involve issues of the public shall not be considered to be internal operations.

Repeal Rule 3, Section 5 (c)(ii)

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

Senator Wehrbein 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 Smith offered the following amendment to the Schimek proposed rules changes:

Amend the amendment to Rule 3, Section 4(e)(i) and replace "itself" in line 5 with "Executive Board".

The Smith amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Schimek asked unanimous consent to withdraw her proposed rules changes, as amended. No objections. So ordered.

The Hudkins pending motion, found in this day's Journal, to adopt the permanent rules for the Ninety-Eighth Legislature, First Session, as amended, was renewed.

Senator Chambers requested a roll call vote on the adoption of the permanent rules, as amended.

Voting in the affirmative, 38:

Aguilar	Cudaback	Jensen	Pedersen, Dw.	Smith
Beutler	Cunningham	Kremer	Pederson, D.	Stuhr
Bromm	Engel	Kruse	Preister	Stuthman
Brown	Erdman	Landis	Quandahl	Tyson
Burling	Foley	Maxwell	Raikes	Vrtiska
Byars	Friend	McDonald	Redfield	Wehrbein
Combs	Hudkins	Mines	Schimek	
Connealy	Janssen	Mossey	Schrock	

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Baker	Bourne	Hartnett	Jones	Synowiecki

Excused and not voting, 5:

Brashear	Johnson	Louden	Price	Thompson

The permanent rules, as amended, were adopted with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 298. Introduced by Hartnett, 45; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to jails; to amend section 47401, Reissue Revised Statutes of Nebraska; to change provisions relating to the privilege of leaving the jail; and to repeal the original section.

LEGISLATIVE BILL 299. Introduced by Price, 26; Byars, 30; Combs, 32; Hudkins, 21; Schimek, 27; Stuhr, 24.

A BILL FOR AN ACT relating to health insurance; to adopt the Equity in Prescription Insurance and Contraceptive Coverage Act; to provide a duty for the Revisor of Statutes; and to provide severability.

LEGISLATIVE BILL 300. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cruelty to animals; to amend section 28-1009, Revised Statutes Supplement, 2002; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Preister, 5.

A BILL FOR AN ACT relating to recycling; to amend sections 81-15,167 and 81-15,173, Revised Statutes Supplement, 2002; to adopt the Electronic Equipment Recycling Act; to provide duties under the Nebraska Environmental Trust Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 302. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1537.01, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2002; to provide for allocation of deficiencies in state aid; to authorize an additional tax levy; to

harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 303. Introduced by Smith, 48; Aguilar, 35; Baker, 44; Bourne, 8; Burling, 33; Connealy, 16; Cudaback, 36; Cunningham, 40; Erdman, 47; Jones, 43; Mines, 18; McDonald, 41; Mossey, 3; Quandahl, 31; Redfield, 12; Schrock, 38; Stuthman, 22; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend sections 60-4,128, 60-6,279, 60-2125, 60-2126, 60-2129, 60-2130, and 60-2139, Reissue Revised Statutes of Nebraska, and sections 39-2215, 60-4,115, 60-4,127, 60-4,182, and 60-2131, Revised Statutes Supplement, 2002; to adopt the Motorcycle Safety and Training Act; to change and eliminate provisions relating to motorcycle safety and helmets; to terminate a fund; to provide a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-2120 to 60-2124, 60-2127, 60-2128, and 60-2132 to 60-2138, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 304. Introduced by Synowiecki, 7; Connealy, 16; Friend, 10; Landis, 46; Mossey, 3; Dw. Pedersen, 39; Preister, 5; Quandahl, 31.

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

LEGISLATIVE BILL 305. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-326, 37-428, 37-449, and 37-496, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-404 to 37-406, 37-410, 37-411, 37-413, 37-414, 37-426, 37-427, 37-453, 37-455, and 37-495, Revised Statutes Supplement, 2002; to change provisions relating to cash funds, licenses, permits, stamps, hunter education programs, habitat stamps, special permits, and limited deer permits; to prohibit killing or wounding of certain animals; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 306. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-449, 37-450, 37-484, 37-497, 37-4,104, 37-4,108, 37-562, and 37-1217, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-415, 37-426, 37-447, 37-457, 37-458, 37-462, 37-463, 37-465, 37-483, 37-4,105, 37-4,106, 37-1212, and 37-1214, Revised Statutes Supplement, 2002; to change fee authorization; and to repeal the original sections.

LEGISLATIVE BILL 307. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to state employees; to amend section 81-1347.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the employee suggestion system; and to repeal the original section.

LEGISLATIVE BILL 308. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to labor; to amend sections 48-2201 to 48-2206, Reissue Revised Statutes of Nebraska, and sections 48-1702 and 81-404, Revised Statutes Supplement, 2002; to name the Non-English-Speaking Workers Protection Act; to define terms; to eliminate a termination date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 309. Introduced by Bourne, 8; Mossey, 3; Synowiecki, 7.

A BILL FOR AN ACT relating to gambling; to amend sections 9-303, 9-307, 9-313, 9-317, 9-332 to 9-334, 9-336, 9-337, 9-340, 9-345.02, 9-348, 9-350 to 9-352, 9-607, 9-651, and 28-1101, Reissue Revised Statutes of Nebraska, and sections 9-301, 9-315, 9-322, 9-329.02, 9-331, 9-338, 9-340.02, 9-345.01, 9-345.03, 9-346, and 9-349, Revised Statutes Supplement, 2002; 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 310. Introduced by Connealy, 16; Aguilar, 35; Tyson, 19.

A BILL FOR AN ACT relating to public financing; to amend sections 13-808, 13-2530, and 13-2531, Revised Statutes Supplement, 2002; 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 311. Introduced by Erdman, 47; Baker, 44; Maxwell, 9; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-419, Reissue Revised Statutes of Nebraska; to adopt the Unfunded Mandates Reform Act; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 312. Introduced by Chambers, 11; Bromm, 23.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain lobbying activities by former state officers as prescribed; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12. Introduced by Erdman, 47.

WHEREAS, Brady Logan Pochon of Ogallala earned the Boy Scouts' highest honor and rank of Eagle Scout, and will be awarded the Eagle Scout Award in February, 2003; and

WHEREAS, Brady Pochon 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 two percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Brady Pochon 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Brady Pochon on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Ogallala.

2. That a copy of this resolution be sent to Brady Pochon and his family.

Laid over.

LEGISLATIVE RESOLUTION 13CA. Introduced by Smith, 48; Aguilar, 35; Cunningham, 40; Engel, 17; Erdman, 47; Foley, 29; Kremer, 34; Mossey, 3; Price, 26; Quandahl, 31; Wehrbein, 2.

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 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, ~~elected or appointed as follows:~~

(a) ~~Eight regents, who~~ shall be elected from and by districts as ~~herein provided in this section;~~

(b) Four regents shall be appointed by the Governor. One appointed regent shall be a full-time student attending one of the campuses of the University of Nebraska, and one regent shall be appointed from each of the three congressional districts. The four regents appointed by the Governor

and their successors shall be voting members of the board; and

(c) Three ~~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~~ regents shall be ~~for~~ six years. The term of office of the student regent appointed by the Governor shall be one year. The terms of office of the other three regents appointed by the Governor shall be three years, except that for the initial terms commencing in 2005, 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. The appointed regents shall serve until their successors are appointed and qualified, 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 eight 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".

Referred to the Reference Committee.

ANNOUNCEMENT

Senator Brashear announced the Judiciary Committee elected Senator Dw. Pedersen as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bourne asked unanimous consent to have his name added as cointroducer to LR 11CA. No objections. So ordered.

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LR 4CA. No objections. So ordered.

Senators Hartnett, Quandahl, and Wehrbein asked unanimous consent to have their names added as cointroducers to LB 232. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 98. No objections. So ordered.

Senators Cunningham and Burling asked unanimous consent to have their names added as cointroducers to LB 124. No objections. So ordered.

Senator Raikes asked unanimous consent to have his name added as cointroducer to LB 53. No objections. So ordered.

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 89. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 257. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Brown withdrew her name as cointroducer to LB 112.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 13, 2003, 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

Abboud, Chris, Public Affairs Group
Brain Injury Association of Nebraska, Inc.
Credit Union League, Nebraska
Grocery Industry Association, Nebraska
Las Vegas Sands Inc.
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
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
Retired School Personnel, Nebraska Association of
Speech, Language, & Hearing Association, Nebraska
Teamsters Local Union 554

Andersen, Robert C.
Cooperative Council, Nebraska

Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.

Anderson, Shannon M.
Alegent Health

Anderson, Tim W.
Central Nebraska Public Power & Irrigation District

Apel, Justin
Resources Districts, Nebraska Association of

Baack, Dennis G.
Community College Association, Nebraska

- Bailey, Jon M.
Center for Rural Affairs
- 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)
Merck/Schering Plough Pharmaceuticals
- Bell, David
Loup River Public Power District
- Belschner, Shanna
Children and Family Coalition of Nebraska
- Berg, Amy R.
Voices for Children
- Boehm, John M.
Mortgage Association, Nebraska
- Bohrer, Bruce J.
Lincoln Chamber of Commerce
- Bonaiuto, John A.
School Boards, Nebraska Association of
- Boucher, Richard
Sheriff's Association, Nebraska
- Brady, Justin J.
Radcliffe & Associates

Britton, Mark Douglas
State Farm Insurance Companies

Broer, Walter L.
General Contractors, Nebraska Building Chapter, Associated

Bruning, Deonne L.
AT&T Corporation
Cox Nebraska Telcom, L.L.C.

Buntain, David R.
Medical Association, Nebraska

Butz, Timothy C.
ACLU Nebraska

Bydalek, Dave
Family First

Campbell, Kathy
Cedars Youth Services

Campbell, Mary M.
Beer Wholesalers Association, Nebraska
Cable Communications Association, Nebraska
Educational Service Units, Consortium of
Lincoln Public Schools
Nature Conservancy Action fund, The
Region II and V Services
State Troopers Association of Nebraska, Inc.
University of Nebraska
VVS, Inc.
Wholesale Liquor Distributors Association, Nebraska

Carstenson, Eric B.
Telecommunications Association, Nebraska

Cavanaugh Law Firm, P.C.
Creighton University
District Court Judges Association, Nebraska
Explore Information Services, LLC
Fraternal Order of Police, Nebraska
Independent Insurance Agents of Nebraska
National Confectioners Association

Cavanaugh, James P.
Cavanaugh Law Firm, P.C.

Cavanaugh, Patrick B.

Cavanaugh Law Firm, P.C.

Cheloha, John A. 'Jack'
City of Omaha

Chermok, Ruth
Electrical Contractors Association, National

Clark, Douglas R.
Metropolitan Utilities District of Omaha

Clayburn, Neal
Lincoln Education Association

Craig, Robert B.
American Legion of Nebraska

Cunningham, James R.
Catholic Conference, Nebraska

Cutshall & Associates
1-800-CONTACTS
Area Agencies on Aging, Nebraska Association of
BryanLGH Health System
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
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

Dibbern, Chris M.
Nebraska Municipal Power Pool

Dix, Larry
County Officials, Nebraska Association of

Dobler, James B.
Farmers Mutual Insurance Company of Nebraska, National Research
Hospital

Dubas, Annette
Friends of the Constitution

Dudley, William H.
AFLAC

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

Ferdinand, L. Rene'
ARC of Nebraska

Ferrell, Beth Bazyn
County Officials, Nebraska Association of

Flannery, John S.
Verizon

Fraizer, T. J.
AFLAC
Insurance Association, American
Mutual of Omaha Insurance Companies

Fulton, Jack A.
Sugar Cooperative, The Western

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 Thief, Nebraska

Goc, John J.
Belle of Sioux City (BOSC LP)
Metropolitan Utilities District
Telephone Assn., Nebraska Independent

Godsey, Ronald
TAP Pharmaceuticals

Golden, Jeff
Boys and Girls Home of NE, Inc.

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

- Grieser, Mary Taylor
Certified Public Accountants, Nebraska Society of
- Griess, James R.
Education Association, Nebraska State
- Hale, Brian R.
School Boards, Nebraska Association of
- Hall, Kimberle M.
Home & Community Health Agencies, Nebraska Association of
- Hallstrom, Robert J.
Bankers Association, Nebraska
National Federation of Independent Business
NETWORKS, Inc.
Pharmacists Association, Nebraska
- Hansen, Hal Anthony
Farmers Union, 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
- Hobbs, Dawson
National Rifle Association Institute for Legislative Action
- Hogrefe, Raymond H.
National Association of Retired Federal Employees, NE Federation
- 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.
Trucking Association, Nebraska

Jenkins, Thomas J.
Blue Cross & Blue Shield of Nebraska

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, Rod E.
Pork Producers Association, Nebraska

Johnson, Sandra A.
Medical Association, Nebraska

Jordison, John C.

Great Plains Communications

Kamm, Richard D.

Class VI Association of Schools

School Finance Coalition, Nebraska

Karavas, Julie M.

Cattlemen, Inc., Nebraska

Kay, Sara A.

AIA Nebraska

Keetle, Roger S.

Hospitals & Health Systems, Nebraska Association of

Keigher, Timothy P.

Petroleum Marketers & Convenience Store Assn., Nebraska

Kelley, Michael A.

Beverage Operators of Nebraska, Responsible

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, P.C.

Omaha Airport Authority

Omaha Exposition & Racing, Inc.

Radcliffe & Associates

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 of Lincoln

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.

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

Petroleum Institute, American

Pork Producers Association, Nebraska

Professional Engineers Coalition

Telecommunications Business Users Coalition, Nebraska

West Corporation

Kohout, Joseph D.

Kelley & Lehan, P.C.

Kramer, David J.

Republican Party, Nebraska

Krannawitter, Brian

Health Education Incorporated

Kratz, Dean G.

General Contractors, Nebraska Building Chapter, Associated

Krebsbach, Laura

Sierra Club, Nebraska

Krumland, Gary G.

League of Nebraska Municipalities

Kruse, Larry D.

Glaxo Wellcome, Inc.

Kulesher, Kate

Wyeth

Lamb, Amy

Occupational Therapy Association, Nebraska

Lange, Robert G.

Ameritas Life Insurance Corporation

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.

Lucas, Paul J.

Miller Brewing Co.

Lutz, Daniel B.

ProRail Nebraska, Inc.

Lutz, Mark

Restaurant Association, Nebraska

Lutz, Richard

Restaurant Association, Nebraska

Mahlman, Dale L.

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

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
Johnson & Johnson
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 Legislative Board

Meerkatz, Marilyn
Class I's United

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

Minor, Timothy H.
CF Industries, Inc.

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
Ash Grove Cement Co.
Aventis Pasteur, Inc., MultiState Associates Inc. on behalf of
Ayars & Ayars, Inc.
Bankers Association, Heartland Community
Better Nebraska Association
Big Red Lottery Services, Ltd.
Chief Industries, Inc.
Citizens for a Healthy Nebraska
Collectors Association, Nebraska
Court Reporters Association, Nebraska
Cutshall & Associates
Dental Association, Nebraska
Duncan Aviation
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
MDS Pharma Services (US) Inc.
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 Ds, Nebraska Association For
Western Wireless Corporation

Mumgaard, D. Milo
Appleseed Center for Law in the Public Interest, Nebraska

Munguia, Roberto Fernando
Burlington Northern Santa Fe

Nabb, Douglas
Fremont Public Schools

Neilan, Perre S.
Realtors Association, Nebraska

Nelson, Craig L.
County Officials, Nebraska Association of

Nielsen, Coleen J.
Insurance Information Service, Nebraska
Merck & Company, Human Health Division (PA)
State Farm Insurance Companies

Niemann, Nicholas K.
Omaha Chamber of Commerce, Greater

Nolte, Beverly Todd
Planned Parenthood of Omaha-Council Bluffs

Nowka, Trent P.
Cutshall & Associates

Obermier, Duane
Education Association, Nebraska State

O'Hara, Lindsay & Associates, Inc.
Ambulatory Centers, Nebraska Association of Independent
Aquila
Automobile Manufacturers, Alliance of
Blue Cross & Blue Shield of Nebraska
County Judges Association, Nebraska
Douglas County School Dist 0001
Finocchiaro Wine Company, Inc.
First National Bank of Omaha
Hall County Livestock Improvement Association
Housing & Redevelopment Officials, National Assn.
Humanities Council, Nebraska
Kinder Morgan, Inc.
Motorola, Inc.

Northern Natural Gas
Nucor Corporation
Omaha Public Power District
Peru State College Foundation
Pioneer Hi-Bred International
Public Accountancy, Nebraska State Board of
Soft Drink Association, Nebraska
Trial Attorneys, Nebraska Association of
Winnebago Tribe of Nebraska
Worldcom, Inc.

O'Hara, Paul V.
O'Hara, Lindsay & Associates, Inc.

Olhausen, Vaun C.
Schering-Plough External Affairs Inc.

Olsen, Keith R.
Farm Bureau Federation, Nebraska

O'Neill, Jr., Thomas J.
Independent Colleges & Universities of Nebraska (AICUN), Association
of

Orton, Leroy
Irrigation Association, Nebraska State
Waste Water Assn., Nebraska On-Site
Well Drillers Association, Nebraska

Otto, James A.
Retail Federation, Nebraska

Ozanne, Colleen K.
State Farm Insurance Companies

Pack, Mary M.
Radcliffe & Associates

Pappas, James E.
Bellevue Public Schools
NorthWestern
UNO Faculty

Pallesen, Jr., Charles M.
Medical Association, Nebraska

Peetz, Natalie
Omaha Chamber of Commerce, Greater

- Perkins, Gary A.
Children's Healthcare Services
- Peters, William E.
Burlington Northern Santa Fe
Golden Rule Insurance Company
- Petersen, Daphne
Optometric Association, Nebraska
Social Workers, Nebraska Chapter, 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
- Plucker, Julia
Children's Healthcare Services
- Prenda, Amy
Kissel/E&S Associates, L.L.C.
- Preston, James N.
Trucking Association, Nebraska
- Prettyman, Keith A.
Lincoln Insurance Group
- Ptacek, Patrick J.
Grain and Feed Association, Nebraska
- Radcliffe, Walter H.
Agriculture, Nebraska State Board of
ALLTEL Communications
Cable Communications Association, Nebraska
Cemetery Association, Nebraska State
Certified Public Accountants, Nebraska Society of
Coalition for Constitutional Change
Father Flanagan's Boys' Home aka Girls and Boys Town
Father Flanagan's Boys' Home d/b/a Boys Town National Research
Hospital
Financial Services Coalition, Nebraska
GTECH Corporation
Health Care Association, Nebraska
Health System, Nebraska

Lincoln Public Schools
Media of Nebraska, Inc.
Motion Picture Association of America
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.
Tyson Foods Inc./IBP, Inc.
University of Nebraska
UST Public Affairs, Inc.
Waste Connections, Inc.
West Dodge Task Force, The
Wholesale Liquor Distributors Association, Nebraska

Rasmussen, Dennis
Auto Dealers Association, Nebraska Independent
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

Redoutey, Laura J.
Hospitals & Health Systems, Nebraska Association of

Remington, S. June
Insurance and Financial Advisors, National Association of

Rempe, Jay E.
Farm Bureau Federation, Nebraska

Renner, Shawn D.
Media of Nebraska, Inc.

Rex, L. Lynn
League of Nebraska Municipalities

Reynolds, Simera
Mothers Against Drunk Driving, Nebraska

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.

Rowley, Mitch
Catholic Conference, Nebraska

Ruehle, Greg
Cattlemen, Inc., Nebraska

Ruth, Larry L.
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Anesthesiologists, Nebraska Society of
Ash Grove Cement Co.
Aventis Pasteur, Inc., MultiState Associates Inc. on behalf of
Ayars & Ayars, Inc.
Bankers Association, Heartland Community
Better Nebraska Association
Big Red Lottery Services, Ltd.
Chief Industries, Inc.
Citizens for a Healthy Nebraska
Collectors Association, Nebraska
Court Reporters Association, Nebraska
Cutshall & Associates
Dental Association, Nebraska
Duncan Aviation
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
MDS Pharma Services (US) Inc.
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
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.
Charitable Gaming and Legislation, Nebraskans for
Chiropractic Physicians Association, Nebraska
Crossroads Coop
Husker Ag Processing
KAPPA - Group
Nordic Biofuels
Oregon Trails

Schmit-Albin, Julie
Right to Life, Inc., Nebraska

Seacrest, Kent
Antelope Valley Authority, Joint

Sedlacek, Ronald J.

Bankers Association, Nebraska
Chamber of Commerce & Industry, Nebraska
Travelers Express Company, Inc.

Sellentin, Jerry L.
School Administrators, Nebraska Council of

Setzepfandt, Scott
HLR Service Corporation

Sholl, Arthur F.
Engineers, American Society of Mechanical

Shultz, Jack L.
Motorcycle Industry Council, Inc.

Siefken, Kathy
Grocery Industry Association, Nebraska

Snyder, Patricia
Health Care Association, Nebraska

Sommermeier, Mary E.
League of Nebraska Municipalities

Stading, Donald R.
Ameritas Life Insurance Corporation

Stepanek, Chuck
Nurses' Association, Nebraska

Stilmock, Gerald M.
Emergency Management, Nebraska Association of
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

Swift, Mark A.
Health Alliance, LLC

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

Van Pelt, Carter

Advocates for Justice & Equality, Nebraska

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

Wickman, Barbara J.

Metro Omaha Builders Association

Wightman, Anna Castner
First National of Nebraska, Inc.

Williams, David M.
Ameritas Life Insurance Corporation

Wininger, Dwight
Rural Telecommunications Coalition, Nebraska

Winston, Ken
Community Action Agencies, Association of Nebraska
Library Association, Nebraska
Nebraskans Against the Death Penalty
Sierra Club, Nebraska

Withem, Ron
University of Nebraska

Wood, Angela K.
Cutshall & Associates

Yontz, Randall G.
American Heart Association

Yost, Kurt T.
Bankers Association, Nebraska Independent
Central Nebraska Public Power & Irrigation District
Check Cashiers Association, Nebraska

VISITORS

Visitor to the Chamber was Jim Vanderloop from Cedar Rapids.

ADJOURNMENT

At 4:19 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 10:00 a.m., Tuesday, January 14, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

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; Loudon, 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; Louden, 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; Louden, 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

SIXTH DAY - JANUARY 15, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 2003

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 Landis who was excused; and Senators Beutler, Brashear, Brown, Johnson, Maxwell, Schimek, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

ANNOUNCEMENT

Senator Hudkins announced the Rules Committee elected Senator Baker as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 375. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1333, Reissue Revised Statutes of Nebraska, and sections 66-1330, 66-1344 to 66-1345.01, 66-1345.04, and 84-612, Revised Statutes Supplement, 2002; to change provisions relating to funding for ethanol production tax credits; to change an excise tax rate; to eliminate a tax credit and task force that have expired; to harmonize provisions; to repeal the original sections; to outright repeal section 66-1346, Reissue Revised Statutes of Nebraska, and section 66-1350, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 376. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-489, 66-489.01, 66-4,105, 66-668, 66-672, 66-6,107, 66-6,109.01, 66-6,111, and 66-1333, Reissue Revised Statutes of Nebraska, and sections 66-674, 66-1330, 66-1344 to 66-1345.01, 66-1345.04, and 84-612, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to funding for ethanol production tax credits; to change fuel tax rate provisions; to change an excise tax rate; to eliminate a tax credit and task force that have expired; to harmonize provisions; to repeal the original sections; to outright repeal section 66-1346, Reissue Revised Statutes of Nebraska, and sections 66-4,142 and 66-1350, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 377. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to jails; to amend section 47-703, Revised Statutes Supplement, 2002; to change provisions relating to medical costs; and to repeal the original section.

LEGISLATIVE BILL 378. Introduced by 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 379. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 2002; to change income tax rates; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-401 and 71-403, Revised Statutes Supplement, 2002; to define terms; to provide requirements related to emergency services for hospitals and ambulatory surgical centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Supplement, 2002; to change provisions relating to collection of sales tax on rented and leased motor vehicles; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 382. Introduced by Synowiecki, 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 383. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to public assistance; to provide for opting out of certain federal public assistance limitations as prescribed.

LEGISLATIVE BILL 384. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 385. Introduced by Janssen, 15; Hartnett, 45; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend section 13-2705, Revised Statutes Supplement, 2002; to change grant approval conditions; and to repeal the original section.

LEGISLATIVE BILL 386. Introduced by Hudkins, 21; Wehrbein, 2.

A BILL FOR AN ACT relating to risk management pools; to amend section 44-4309, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2002; to change provisions relating to terminating membership; to exclude payments to the pool from levy limits; and to repeal the original sections.

LEGISLATIVE BILL 387. Introduced by Loudon, 49; Burling, 33; Jones, 43; Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-27,132, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Supplement, 2002; to change the sales and use tax exemption on food; to create a fund; to appropriate funds; to provide school aid; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 388. Introduced by Loudon, 49; Engel, 17; Erdman, 47; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.07, Revised Statutes Supplement, 2002; to terminate the sales tax on certain services; and to repeal the original section.

LEGISLATIVE BILL 389. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-103, 85-301, 85-966, and 85-1403, Reissue Revised Statutes of Nebraska; to create the Nebraska Higher Education Board of Regents; to provide for 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 provide intent; to provide a duty for the Education Committee of the Legislature; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-510 and 85-103.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 390. Introduced by Aguilar, 35.

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 391. Introduced by Erdman, 47; Byars, 30; Janssen, 15; Quandahl, 31.

A BILL FOR AN ACT relating to minors; to amend sections 43-289 and 43-2101, Reissue Revised Statutes of Nebraska, and section 43-245, Revised Statutes Supplement, 2002; to change the age of majority and the definition of a minor to eighteen years of age as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Erdman, 47; Byars, 30; Janssen, 15; Quandahl, 31.

A BILL FOR AN ACT relating to minors; to provide for judicial emancipation of minors.

LEGISLATIVE BILL 393. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-103 and 53-124, Revised Statutes Supplement, 2002; to redefine a term; to change shipping license fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 394. Introduced by McDonald, 41; Erdman, 47; Jones, 43; Kremer, 34; Loudon, 49; Stuhr, 24; Stuthman, 22.

A BILL FOR AN ACT relating to schools; to amend sections 79-102, 79-403, 79-411, 79-419, 79-479, 79-528, 79-611, and 79-1036, Revised Statutes Supplement, 2002; to change provisions relating to grade offerings

for Class VI schools; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 395. Introduced by Brown, 6.

A BILL FOR AN ACT relating to recreational lands; to amend section 37-729, Reissue Revised Statutes of Nebraska; to change owner liability provisions; and to repeal the original section.

LEGISLATIVE BILL 396. Introduced by Brown, 6.

A BILL FOR AN ACT relating to county officials; to amend sections 23-1701, 23-1901, 32-520, and 32-526, Reissue Revised Statutes of Nebraska; to authorize interlocal agreements relating to the powers and duties of county sheriffs and county engineers; to change election provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 397. Introduced by Redfield, 12; Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.18 and 77-2704.29, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.02, 77-2702.07, 77-2702.09, 77-2702.13, 77-2702.14, 77-2702.17, 77-2703, 77-2704.26, and 77-2704.30, Revised Statutes Supplement, 2002; to change the sales tax rate; to tax certain services; to eliminate certain exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.03, 77-2704.04, 77-2704.07, 77-2704.10, 77-2704.13, 77-2704.14, 77-2704.17, 77-2704.19, 77-2704.20, 77-2704.23, 77-2704.25, 77-2704.36 to 77-2704.38, and 77-2704.40, Reissue Revised Statutes of Nebraska, and sections 77-2704.12, 77-2704.15, 77-2704.16, 77-2704.18, and 77-2704.27, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 398. Introduced by Redfield, 12; Mines, 18; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2105, 77-2701.01, 77-2715, 77-2727, 77-2734.01, 77-2734.02, 77-2767, and 81-1201.12, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.02, 77-2715.07, 77-2716.01, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to income tax calculations; to eliminate certain tax credits; to repeal the Beginning Farmer Tax Credit Act and the Community Development Assistance Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 13-201, 13-202, 13-204, 13-205, 13-208, and 77-2716.03, Reissue Revised Statutes of Nebraska, and sections 13-203, 13-206, 13-207, 77-27,222, and 77-5201 to 77-5214, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 399. Introduced by Redfield, 12; Mines, 18; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2105, 77-2701.01, 77-2714.01, 77-2715, 77-2715.09, 77-2727, 77-2734.01, 77-2734.02, 77-2734.04, 77-2767, 77-2781, 77-2786, 77-2793, and 81-1201.12, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.02, 77-2715.07, 77-2716, 77-2716.01, 77-2717, 77-2734.03, 77-2775, and 77-3806, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to income tax calculations; to eliminate certain tax credits; to repeal the Beginning Farmer Tax Credit Act and the Community Development Assistance Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 13-201, 13-202, 13-204, 13-205, 13-208, and 77-2716.03, Reissue Revised Statutes of Nebraska, and sections 13-203, 13-206, 13-207, 77-27,222, and 77-5201 to 77-5214, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 400. Introduced by Connealy, 16; Cunningham, 40.

A BILL FOR AN ACT relating to motor fuel tax; to amend section 66-4,134, Reissue Revised Statutes of Nebraska, and section 66-4,124, Revised Statutes Supplement, 2002; to change provisions relating to tax credit gasoline; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
 Room 1507

LB 40	Wednesday, January 22, 2003	1:30 p.m.
LB 69	Wednesday, January 22, 2003	1:30 p.m.
LB 75	Wednesday, January 22, 2003	1:30 p.m.
LB 83	Wednesday, January 22, 2003	1:30 p.m.
LB 92	Wednesday, January 22, 2003	1:30 p.m.
LB 222	Wednesday, January 22, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services
 Room 1510

LB 45	Wednesday, January 22, 2003	1:30 p.m.
LB 55	Wednesday, January 22, 2003	1:30 p.m.
LB 242	Wednesday, January 22, 2003	1:30 p.m.
LB 245	Wednesday, January 22, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Natural Resources

Room 1525

LB 305	Wednesday, January 22, 2003	1:30 p.m.
LB 122	Wednesday, January 22, 2003	1:30 p.m.
LB 96	Wednesday, January 22, 2003	1:30 p.m.
LB 306	Wednesday, January 22, 2003	1:30 p.m.
LB 30	Thursday, January 23, 2003	1:30 p.m.
LB 34	Thursday, January 23, 2003	1:30 p.m.
LB 35	Thursday, January 23, 2003	1:30 p.m.
LB 93	Thursday, January 23, 2003	1:30 p.m.
LB 31	Friday, January 24, 2003	1:30 p.m.
LB 33	Friday, January 24, 2003	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Banking, Commerce and Insurance

Room 1507

LB 216	Monday, January 27, 2003	1:30 p.m.
LB 85	Monday, January 27, 2003	1:30 p.m.
LB 131	Monday, January 27, 2003	1:30 p.m.
LB 217	Monday, January 27, 2003	1:30 p.m.
LB 218	Monday, January 27, 2003	1:30 p.m.

(Signed) Mark Quandahl, Chairperson

MOTION - Print in Journal

Senator Preister filed the following motion to LB 325:
Withdraw LB 325.

MOTION - Escort Governor

Senator Cunningham 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 Engel, Janssen, Raikes, Schimek, and Wehrbein to serve on said committee.

STATE OF THE STATE ADDRESS

Mr. President, Mr. Speaker, Members of the Legislature and my fellow Nebraskans:

Our State Constitution requires that the Governor address the Legislature and present a budget recommendation early in the legislative session. This morning, I come before you to fulfill that obligation and, in doing so, accept the responsibility of framing the reality of the day.

The past two years have witnessed national and international events that have dramatically altered our individual priorities and how we view the world around us. Since the Legislature last debated and adopted a biennial budget, our nation has been attacked, we've commenced a war on terrorism, our national economy has slipped into a stubborn recession that refuses to loosen its grip, and our state has been stricken by a drought of historic proportions. Any one of these issues would have been a challenge. All together, as one of my colleagues said, they have created the perfect economic storm.

Nebraskans answered the challenge of the terrorist attacks by giving of themselves through volunteering, donating blood, and contributing financially to those in need. We promised to never forget the sacrifices of those who died that day in New York, at the Pentagon, and in Pennsylvania.

Our commitment to freedom, and the strength we find in it, has never been stronger. We answered the call to a new war on terrorism by supporting our men and women in the military, but also by reinforcing our commitment to first responders at home. Under the leadership of our own Homeland Security Director, Lieutenant Governor Dave Heineman, we developed a national model for bioterrorism preparedness and a comprehensive plan to address agroterrorism. We are as prepared as we can be for that which we pray never happens.

For more than eighteen months we have struggled to come to grips with the recession and its impacts. In conjunction with the federal government, my administration approved extended unemployment benefits for workers who have lost their jobs while keeping our commitment to encourage the creation of new, quality jobs all across our state. The struggle continues, but so does our commitment to working families.

Then there is the drought - a natural disaster impacting Nebraska and many other states. I will never forget seeing the South Platte River flowing at a trickle near Ogallala this past summer. Our farmers and ranchers, who are some of the hardiest of all Nebraskans, and the communities in which they live and do business, have suffered the most from this drought.

For state government, the greatest consequence of these four challenges has been a free-fall in tax receipts that is worse than the farm crisis of the

1980's. The worst year then, fiscal year 1985, witnessed revenue growth of less than one percent, but there was still revenue growth. This compares to fiscal year 2002 when tax collections were \$91 million dollars or nearly four percent less than in 2001. In fact, 2002 tax collections were even less than 2000 tax collections by \$38 million dollars, or nearly two percent.

Ladies and gentlemen, 2002 tax receipts were truly historic - on the down side.

It is a credit to your efforts that we acted in a timely and responsible manner and, in doing so, avoided the crisis other states have faced and continue to face. We may have disagreed on some parts of the solution to our fiscal problems, but we have never disagreed on the need to reach our common goal of fiscal stability for Nebraska.

Our collective hope has been that the national and state's economy would improve by now. That has not been the case.

A Nebraska business owner described it to me as a saw-toothed economic recovery - plenty of ups and downs with very sharp edges. It is in this economic climate that we continue our work with the fiscal stability of our state as our overriding goal.

I have agonized more in developing this budget than any other in my eighteen years of public service. I have every reason to believe that you will do the same.

One way to put our fiscal problem in context is to consider that even if state spending were frozen at current year levels for the next two years, a \$115 million dollar shortfall would exist between available revenue and expenditures. That's not factoring in the deficit requests or the Boyd County litigation.

From another perspective, the Legislative Fiscal Office defines our dilemma as a \$673 million dollar difference in projected spending needs and projected revenue over the next two years. That number is conservative. Deficit requests and a potential liability arising out of the Boyd County Low-Level Radioactive Waste Site litigation balloons this number to a staggering \$850 million dollars.

I expect these very large numbers will cause you to reach the same conclusion I did: very difficult choices cannot be avoided. To help understand some of those choices, let's divide the current year budget - fiscal year 2003- into four categories: first, operations; second, aid to individuals; third, aid to local governments; and finally, higher education.

Operations would include everything from the Governor's Office and the Legislature to the State Patrol and Corrections. Altogether, operations include state agencies at a price tag of \$539 million dollars this year or 20

percent of the total general fund budget. Half of those costs, or about \$267 million dollars, can be found in just two agencies: the Health and Human Services agency within the Health and Human Services System and the Department of Corrections. The complete and total elimination of all funding for operations for one year, at best a foolish concept, would not even provide enough savings to balance the budget.

Aid to individuals includes Medicaid, childcare subsidy, and other individual assistance programs. The total price tag this year is \$535 million dollars or 20 percent of the total budget. Medicaid, the state and federal health care program for low-income seniors, the disabled, and children, is the largest component of this category at three-quarters of the total. The complete elimination of aid to individuals for one year - of course, not a possibility - would not balance the budget.

Aid to local governments is \$905 million dollars or 35 percent of the budget and includes state aid to schools, special education funding, and aid to counties, cities, and NRDs. State aid to schools is \$647 million dollars or 71 percent of this category. Entirely eliminating state aid for one year would nearly cover the shortfall, but obviously we will not head in that direction.

The final category is higher education, including the University, state colleges, community colleges, and student financial aid, which received \$521 million dollars or 20 percent of the budget this year. The complete elimination of funding for higher education for one year, another impossibility, would not balance the budget.

Now consider the revenue side of the picture as well as our Constitutional obligation to finance general fund spending without incurring debt.

Over my objection last year, the Legislature approved a mostly temporary general tax increase. During debate on this issue, a number of senators made it clear they would not support an extension of these tax increases. And some senators who supported the tax increases have left the Unicameral. It is a different Legislature that considers these issues.

But if this Legislature made those temporary tax increases permanent, an estimated \$247 million dollars would be generated in the next two years. That's only about one-third of our current budget gap. Even if the Legislature took this step, more than \$425 million dollars in spending reductions would still be required to balance the budget. Again, if we consider deficit requests and the possible judgement from the Low Level Radioactive Waste Site lawsuit, that number climbs back to about \$600 million dollars.

Furthermore, recognize that deficit spending - the often-used solution at the federal level - is not an option for Nebraskans. Our founders made sure that every generation would live within its means. Article XIII of the Nebraska Constitution very specifically limits the power of the state to incur debt for

the purpose of financing more spending or to balance the budget. We cannot and will not borrow our way through this challenge.

All of these numbers remind us that however the shortfall is addressed, the choices will be difficult and sacrifice will be required. With these facts in mind, I prepared this biennial budget recommendation guided by five principles.

First, the budget plan had to be realistic and honest. It had to be tied to the reality of the economy and current projections of tax revenue.

State tax revenues are simply not there and we cannot afford a spending plan based on wishful thinking about tax receipts. Our projections of future revenue must be very conservative. And this budget recommendation had to be void of gimmicks and false hope. I am confident we will agree that my recommendation is straightforward and unvarnished.

The second principle on which I built my budget recommendation was that there not be a general sales or income tax increase.

The challenge we face is so large that significant spending cuts have to be the major part of any solution. Relying primarily on general tax increases to solve the problem will only serve to delay economic recovery and take resources from Nebraskans trying to balance their own family and business budgets.

The third principle was that spending in each year of the biennial budget absolutely could not exceed projected revenues.

The tremendous investment in education, human services, and corrections that began more than four years ago was based on revenue projections that dramatically missed the mark. When the phenomenal revenue growth of the mid- to late 1990's ended, it was as if we had spent our way to the edge of a cliff. We have an obligation to bring ongoing spending and revenue in line with one another on an annual basis. Very simply, we must restructure the base of spending and do it now. If we fail to act, spending will forever outpace our citizens' ability to pay for their government.

A fourth principle was that we had to protect a set of priorities representing state government's core responsibilities to the fullest extent possible.

My budget recommendations require reductions across nearly all programs, services, and aid provided by State government. However, my recommendation reflects a continued priority for funding services that ensure safe communities, protect the most vulnerable Nebraskans, and promote the health and safety of our children. The State Patrol, Military, and Fire Marshal are spared from deep cuts. I have also spared from deep cuts public and private nursing homes, the state's 24-hour care facilities including our veteran's homes, and our home for the developmentally

disabled. And finally, children's health care, the family childcare subsidy, and early childhood education aid are spared deep cuts under this budget recommendation.

The fifth and final principle was that the cash reserve fund had to be protected and increased, both because of continued economic uncertainty and to prepare for contingencies that might arise from the Low Level Radioactive Waste litigation.

With regard to the litigation, we have strong arguments for our appeal, but considering the tone of the ruling and the size of the judgement, we must be prepared for any outcome. If our state is not required to pay the judgement, a strong cash reserve position will better enable us to maintain a basic level of state services should tax receipts fail to rebound in the short term. Be mindful that members of the Nebraska Economic Forecasting Advisory Board have lowered state revenue projections each of the last five times they have convened.

The budget I submit to you today reflects these principles. Again, they are: one, the budget is tied to the reality of the economy and current projections of tax revenue. Two, there is no increase in the general sales and income taxes upon our citizens. Three, spending in each year does not exceed projected revenues in each year of the biennial budget. Four, the core responsibilities of State government are protected to the fullest extent possible. And finally, the cash reserve is protected and increased.

As you will discover in reviewing the details of my recommendation, there was no easy path to this result. I am personally encouraged by the memory that the farm crisis of the 1980's was followed by the economic growth of the 90's. However, this memory is tempered by the reality of today and the need to be ever so cautious and conservative until we see a national recovery that is sustained over time.

Admittedly, this budget recommendation is stout fiscal medicine, but I believe it is necessary. Only by making tough decisions can we see the light at the end of the tunnel.

As you start your debate, I expect you will hear from many interests proclaiming that their favored program cannot operate with the budget I have proposed. The truth is that all of us must accept the challenge of doing more with less.

The economy is not generating the tax revenues necessary to support the current level of state spending. All of us must sacrifice for the foreseeable future.

In the more than 135 years of our state's history, we have met many challenges including recessions, the depression, drought and farm crisis.

There is no question we are being tested. But I remain confident that we will pass this test and be better for it.

In 1938, in the midst of the Great Depression, FDR said, "We have all learned the lesson that government cannot afford to wait until it has lost the power to act."

We must hold to that same sentiment today. The time to act is now so that we can preserve a bright future for our state and our children.

There isn't a person in this chamber or across the state who doesn't wish for a rapid national and state economic recovery. That day will come. When it does, I will lead the charge to allocate funds to worthy programs impacted by this budget.

As always, I pledge to have an open door to work with you in this Legislative Session.

Good luck, Godspeed in your work, and God bless Nebraska.

The committee escorted Governor Mike Johanns from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 401. Introduced by Jones, 43; Burling, 33; Cudaback, 36; Dw. Pedersen, 39; Price, 26; Schrock, 38; Stuthman, 22.

A BILL FOR AN ACT relating to speed limits; to amend section 60-6,186, Reissue Revised Statutes of Nebraska; to reduce the interstate speed limit as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 402. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 543, section 133; Laws 2002, LB 1309, section 164; and Laws 2002, Second Special Session, LB 2, sections 11, 32, 34, 35, 42, 56, 57, 76, 81, 87, 118, 121, 126, 128, and 133; to define terms; to change certain appropriations as prescribed; to provide for transfers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 403. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Fund; to amend section 81-15,174, Revised Statutes Supplement, 2002;

to provide for a transfer of funds; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 404. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2003-04 and FY2004-05; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2003-04 and FY2004-05; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 406. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 407. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2005; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 408. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 60-1303 and 81-15,174, Revised Statutes Supplement, 2002; to authorize fund transfers as prescribed; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 409. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1120 and 81-1376, Reissue Revised

Statutes of Nebraska; to create revolving funds and provide for their use; to authorize assessments; to change provisions relating to existing funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 410. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-179, 81-180, 81-184, and 81-188.01 to 81-188.06, Revised Statutes Supplement, 2002; to change funding provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 411. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the medical assistance program; to amend sections 68-1019.02 and 68-1020, Revised Statutes Supplement, 2002; to change provisions relating to coverage and eligibility; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 412. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7614, Revised Statutes Supplement, 2002; to change provisions relating to grants from the fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 413. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 68-1101, 71-5002 to 71-5004, 71-5005, 71-5006 to 71-5009, 71-5014, 71-5015, 71-5021 to 71-5023, 71-5025, 71-5032, 71-5034, 71-5040, 71-5044, 71-5045, 79-11,132, 81-2201, 81-2204, 81-2208, 81-2209, 81-2213, 81-2215 to 81-2218, 81-2220, 81-2221, 81-2223, 81-2232, 81-2235, 81-2252, 83-1040, 83-1212, 83-1213, and 84-1326.01, Reissue Revised Statutes of Nebraska, and sections 71-5027, 71-5033, 71-7611.01, and 83-162.04, Revised Statutes Supplement, 2002; to provide for human services regions and regional governing boards; to provide powers and duties; to terminate certain regions and areas; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 68-1729, 68-1730, and 83-1,143.06, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 414. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to a market rate survey; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 415. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-434, Revised Statutes Supplement, 2002; to change funding provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 416. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-305.16, Revised Statutes Supplement, 2002; to provide for an additional fee on apportionable vehicles; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 417. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2002; to eliminate provisions relating to payment for wards' education; to provide an operative date; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 418. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to labor; to amend section 81-404, Revised Statutes Supplement, 2002; to eliminate a termination date relating to the Meatpacking Industry Worker Rights Coordinator; and to repeal the original section.

LEGISLATIVE BILL 419. Introduced by Speaker Bromm, 23; at the request of the Governor.

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 provide operative dates; to repeal the original section; and to outright repeal sections 77-1340 to 77-1340.03, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 420. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602, 77-2608, and 77-4008, Revised Statutes Supplement, 2002; to change provisions relating to taxes on tobacco and cigarette tax stamps; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 421. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to amend sections 48-152, 48-159, and 48-1,110, Reissue Revised Statutes of Nebraska, and sections 48-162.02 and 48-1,116, Revised Statutes Supplement, 2002; to transfer the compensation court, judges, and employees to the Supreme Court for administrative and budgetary purposes; to change provisions relating to salaries and funds; to eliminate obsolete provisions; to state intent; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 422. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Revised Statutes Supplement, 2002, as amended by section 9, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to change provisions relating to presentence investigations; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 423. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2269, Reissue Revised Statutes of Nebraska; to provide for fees; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 424. Introduced by Speaker Bromm, 23; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to create a fund; to provide for charges against certain state funds; to provide powers and duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 425. Introduced by Engel, 17; Bromm, 23; D. Pederson, 42; Quandahl, 31; Wehrbein, 2.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-156, 86-442, and 86-457, Revised Statutes Supplement, 2002; to authorize civil penalties for violations of the Enhanced Wireless 911 Services Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 426. 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 427. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend sections 28-603 and 28-604, Reissue Revised Statutes of Nebraska; to change provisions relating to forgery and possession of a forged instrument; and to repeal the original sections.

LEGISLATIVE BILL 428. 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 429. Introduced by Hartnett, 45; Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-203, 9-204, and 9-241.10, Reissue Revised Statutes of Nebraska, and sections 9-201 and 9-204.01, Revised Statutes Supplement, 2002; to authorize the use of bingo card monitoring devices; to define and redefine terms; to change provisions relating to the use of bingo cards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 430. Introduced by D. Pederson, 42; Brown, 6; Engel, 17.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 84-502, Reissue Revised Statutes of Nebraska; to provide a duty to act as the chief protocol officer; and to repeal the original section.

LEGISLATIVE BILL 431. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Emergency Planning and Community Right To Know Act; to amend sections 81-15,213 and 81-15,224, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original sections.

LEGISLATIVE BILL 432. 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.

RESOLUTIONS

LEGISLATIVE RESOLUTION 15CA. Introduced by Johnson, 37.

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 XIII, section 1, add a new section 18 to Article VII, and repeal Article VII, sections 10, 13, and 14:

VII-18 "On and after July 1, 2005, 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 nine 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".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 16CA. Introduced by McDonald, 41; Schimek, 27.

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 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. An employee of a political subdivision of the state who is not holding elective office shall not be considered an executive officer or a member of the executive branch 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 provide that an employee of a political subdivision who is not holding elective office is not an executive officer or a member of the executive branch of the state.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Judiciary
Room 1113

LB 19	Wednesday, January 22, 2003	1:30 p.m.
LB 20	Wednesday, January 22, 2003	1:30 p.m.
LB 47	Wednesday, January 22, 2003	1:30 p.m.
LB 48	Wednesday, January 22, 2003	1:30 p.m.
LB 58	Wednesday, January 22, 2003	1:30 p.m.
LB 62	Wednesday, January 22, 2003	1:30 p.m.
LB 171	Wednesday, January 22, 2003	1:30 p.m.

LB 268	Wednesday, January 22, 2003	1:30 p.m.
LB 21	Thursday, January 23, 2003	1:30 p.m.
LB 22	Thursday, January 23, 2003	1:30 p.m.
LB 49	Thursday, January 23, 2003	1:30 p.m.
LB 50	Thursday, January 23, 2003	1:30 p.m.
LB 111	Thursday, January 23, 2003	1:30 p.m.
LB 136	Thursday, January 23, 2003	1:30 p.m.
LB 176	Thursday, January 23, 2003	1:30 p.m.
LB 190	Thursday, January 23, 2003	1:30 p.m.
LB 200	Thursday, January 23, 2003	1:30 p.m.
LB 206	Thursday, January 23, 2003	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senators Burling and Thompson asked unanimous consent to have their names added as cointroducers to LB 111. No objections. So ordered.

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 98. No objections. So ordered.

Senator Janssen asked unanimous consent to have his name added as cointroducer to LB 265. No objections. So ordered.

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

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 279. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 299. No objections. So ordered.

ADJOURNMENT

At 10:52 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 10:00 a.m., Thursday, January 16, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 16, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 2003

PRAYER

The prayer was offered by Senator Connealy.

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 Senator Landis who was excused; and Senators Bourne, Brashear, Brown, Maxwell, Dw. Pedersen, D. Pederson, Preister, Tyson, and Wehrbein who were excused until they arrive.

SPEAKER BROMM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORTS

The Legislative Council Executive Board submits the following reports:

LB/LR	Committee
LB 115	Government, Military and Veterans Affairs (rereferred)
LB 149	Nebraska Retirement Systems (rereferred)
LB 313	Judiciary
LB 314	Judiciary
LB 315	Judiciary
LB 316	Judiciary
LB 317	Government, Military and Veterans Affairs
LB 318	Education
LB 319	Revenue
LB 320	Nebraska Retirement Systems
LB 321	Transportation and Telecommunications
LB 322	Revenue

LB 323	Government, Military and Veterans Affairs
LB 324	Revenue
LB 326	Banking, Commerce and Insurance
LB 327	Government, Military and Veterans Affairs
LB 328	Government, Military and Veterans Affairs
LB 329	Judiciary
LB 330	Government, Military and Veterans Affairs
LB 331	Government, Military and Veterans Affairs
LB 332	Business and Labor
LB 333	Transportation and Telecommunications
LB 334	Banking, Commerce and Insurance
LB 335	Education
LB 336	Judiciary
LB 337	Revenue
LB 338	Revenue
LB 339	Urban Affairs
LB 340	Education
LB 341	Education
LB 342	Transportation and Telecommunications
LB 343	Business and Labor
LB 344	Judiciary
LB 345	Government, Military and Veterans Affairs
LB 346	Judiciary
LB 347	Judiciary
LB 348	Natural Resources
LB 349	Government, Military and Veterans Affairs
LB 350	Judiciary
LB 351	Health and Human Services
LB 352	Government, Military and Veterans Affairs
LB 353	Transportation and Telecommunications
LB 354	Judiciary
LB 355	Revenue
LB 356	Education
LB 357	Government, Military and Veterans Affairs
LB 358	Government, Military and Veterans Affairs
LB 359	Government, Military and Veterans Affairs
LB 360	Natural Resources
LB 361	Judiciary
LB 362	Banking, Commerce and Insurance
LB 363	Agriculture
LB 364	Judiciary
LB 365	Urban Affairs
LB 366	Judiciary
LB 367	General Affairs
LB 368	Revenue
LB 369	Revenue
LB 370	Education
LB 371	Transportation and Telecommunications
LB 372	Education

LB 373	Revenue
LB 374	Agriculture
LR 14CA	General Affairs
LB 174	Education (rereferred)
LB 363	Natural Resources (rereferred)
LB 375	Revenue
LB 376	Revenue
LB 377	Judiciary
LB 378	Judiciary
LB 379	Revenue
LB 380	Health and Human Services
LB 381	Revenue
LB 382	Business and Labor
LB 383	Health and Human Services
LB 384	Judiciary
LB 385	Revenue
LB 386	Banking, Commerce and Insurance
LB 387	Revenue
LB 388	Revenue
LB 389	Education
LB 390	Health and Human Services
LB 391	Judiciary
LB 392	Judiciary
LB 393	General Affairs
LB 394	Education
LB 395	Judiciary
LB 396	Government, Military and Veterans Affairs
LB 397	Revenue
LB 398	Revenue
LB 399	Revenue
LB 400	Revenue
LB 401	Transportation and Telecommunications
LB 402	Appropriations
LB 403	Appropriations
LB 404	Appropriations
LB 405	Appropriations
LB 406	Appropriations
LB 407	Appropriations
LB 408	Appropriations
LB 409	Appropriations
LB 410	Building Maintenance
LB 411	Health and Human Services
LB 412	Health and Human Services
LB 413	Health and Human Services
LB 414	Health and Human Services
LB 415	Appropriations
LB 416	Transportation and Telecommunications
LB 417	Education

LB 418	Business and Labor
LB 419	Revenue
LB 420	Revenue
LB 421	Judiciary
LB 422	Judiciary
LB 423	Judiciary
LB 424	Appropriations
LB 425	Transportation and Telecommunications
LB 426	General Affairs
LB 427	Judiciary
LB 428	Judiciary
LB 429	General Affairs
LB 430	Government, Military and Veterans Affairs
LB 431	Natural Resources
LB 432	Urban Affairs
LR 15CA	Education
LR 16CA	Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

Senator Engel, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

	Building Maintenance		
Janssen	Pederson, D.	Tyson	Wehrbein
Jensen	Thompson		

	Education Commission of the States	
Byars	Raikes	Stuhr

	Midwestern Higher Education Commission (Midwest Compact)	
Beutler	Raikes	

	Legislative Program Evaluation	
Beutler	Engel	Price
Brown		Wehrbein

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

COMMUNICATION

January 13, 2003

Senator Pat Engel
Chairman, Executive Board
Room 2010, State Capitol
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Mr. Stan Carpenter, Executive Director for the Nebraska State Colleges. The communication involves a request to approve a proposal to rename the Old Library at Chadron State College as the Mari Sandoz High Plains Heritage Center.

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the communication from the Nebraska State Colleges to the Government, Military and Veterans Affairs Committee for further consideration.

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS**Health and Human Services**

Room 1510

LB 138	Thursday, January 23, 2003	1:30 p.m.
LB 119	Thursday, January 23, 2003	1:30 p.m.
LB 54	Thursday, January 23, 2003	1:30 p.m.
LB 95	Thursday, January 23, 2003	1:30 p.m.
LB 213	Friday, January 24, 2003	1:30 p.m.
LB 241	Friday, January 24, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 433. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1496, Revised Statutes Supplement, 2002; to change requirements for statements of financial interest; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles and motor boats; to amend sections 60-106 and 77-2703, Revised Statutes Supplement, 2002; to change procedures for applications for title and collection of sales tax; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 435. 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 436. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Abstracters Act; to amend section 76-558, Reissue Revised Statutes of Nebraska; to provide enforcement powers relating to the act; and to repeal the original section.

LEGISLATIVE BILL 437. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1480.01 and 49-1482, Reissue Revised Statutes of Nebraska; to change lobbyist registration fees; to provide for distribution of the fees; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2002; to create the offense of endangerment of a child or vulnerable adult; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 439. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-1108.17 and 81-2004, Reissue Revised Statutes of Nebraska, and section 81-1108.15, Revised Statutes Supplement, 2002; to transfer

responsibility for security for certain state buildings and grounds to the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 440. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 18-2604, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Supplement, 2002; to change cigarette tax distribution; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 441. 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, 25-2541, 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, 2002; to rename the Nebraska Fair Employment Practice Act; to define terms; to prohibit employment discrimination based upon 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 442. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-956, Revised Statutes Supplement, 2002; to change a death benefit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 443. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to taxation; to amend sections 77-414, 77-415, 77-417, 77-421, and 77-1342, Revised Statutes Supplement, 2002; to require the same training for assessors who are county employees and state employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 444. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to recall petitions; to amend section 32-1301, Reissue Revised Statutes of Nebraska, and sections 31-787, 31-788, 32-1303, and 32-1304, Revised Statutes Supplement, 2002; to change requirements for filing, circulating, and signing recall petitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Business Development Partnership Act; to amend section 81-1276, Reissue Revised Statutes of Nebraska; to change provisions relating to contracts for specialized services; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to insurance; to provide notice for sickness and accident insurance.

SENATOR SCHIMEK PRESIDING

LEGISLATIVE BILL 447. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.15, Revised Statutes Supplement, 2002; to change provisions relating to exemptions; and to repeal the original section.

LEGISLATIVE BILL 448. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502, Revised Statutes Supplement, 2002; to change the protest filing date; and to repeal the original section.

LEGISLATIVE BILL 449. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1505 and 81-1532, Revised Statutes Supplement, 2002; to change provisions relating to air pollution fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 450. Introduced by Byars, 30.

A BILL FOR AN ACT relating to medical assistance; to adopt the Medicaid Patients Open Access for Mental Health Treatments Act; and to declare an emergency.

LEGISLATIVE BILL 451. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; Price, 26; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2302, 23-2315, 23-2334, 42-1111, 79-932, 81-2025, 84-1302, 84-1317, and 84-1320, Reissue Revised Statutes of Nebraska, and sections 2-1608, 23-2301, 23-2308.01, 23-2310.04, 23-2316, 23-2317, 23-2319, 23-2319.01, 23-2320, 23-2321, 24-701, 24-707, 24-708, 79-902, 79-916, 79-956, 81-2014, 84-1301, 84-1309.02, 84-1314, 84-1318, 84-1319, 84-1321, 84-1321.01, 84-1322, and 84-1323, Revised Statutes Supplement, 2002; to change provisions relating to contributions,

expenses, benefit payments and distributions, forfeitures, retirement value, death benefits, fund transfers, and qualified domestic relations orders; to define and redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Smith, 48; McDonald, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302.03 and 60-305.01, Reissue Revised Statutes of Nebraska, and section 60-302, Revised Statutes Supplement, 2002; to change penalties for failure to register a vehicle; to provide late fees; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 453. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.07, Revised Statutes Supplement, 2002; to impose sales tax on engineering, architectural, legal, and accounting services; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Aguilar, 35; Baker, 44; Bourne, 8; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cunningham, 40; Foley, 29; Janssen, 15; Jensen, 20; Kremer, 34; Kruse, 13; Maxwell, 9; McDonald, 41; Mines, 18; Mossey, 3; Price, 26; Quandahl, 31; Redfield, 12; Schimek, 27; Smith, 48; Thompson, 14; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to courts; to amend section 29-901, Revised Statutes Supplement, 2002; to authorize drug court programs; to change bail bond provisions; and to repeal the original section.

LEGISLATIVE BILL 455. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to parole; to amend sections 83-170, 83-189, 83-1,107, 83-1,110, and 83-1,135, Reissue Revised Statutes of Nebraska; to define terms; to change membership on the Board of Parole; to change and eliminate provisions relating to review and release; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 456. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to real property; to amend sections 76-1410, 76-1412, 76-1423, 76-1424, 76-1432, 76-1435, and 76-1438, Reissue Revised Statutes of Nebraska, and sections 76-1415, 76-1416, and 76-1419, Revised Statutes Supplement, 2002; to change provisions relating to the Uniform Residential Landlord and Tenant Act; and to repeal the original sections.

LEGISLATIVE BILL 457. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Reissue Revised Statutes of Nebraska, and section 43-3342.05, Revised Statutes Supplement, 2002; to provide for guidelines for juvenile support orders under the Nebraska Juvenile Code; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,135, Reissue Revised Statutes of Nebraska; to state intent; to provide for electronic surveillance as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 459. Introduced by Synowiecki, 7; Cunningham, 40; Mossey, 3; Schrock, 38.

A BILL FOR AN ACT relating to criminal procedure; to provide for detaining a minor attempting to purchase alcoholic liquor.

LEGISLATIVE BILL 460. Introduced by Synowiecki, 7; Aguilar, 35; Erdman, 47; McDonald, 41; Mossey, 3; Smith, 48.

A BILL FOR AN ACT relating to correctional services; to amend section 83-181, Reissue Revised Statutes of Nebraska; to define a term; to provide for copayments for health care services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 461. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to elections; to amend sections 23-222, 32-530, and 32-618, Reissue Revised Statutes of Nebraska; to change provisions relating to election of township officers and nominations by petition; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 462. Introduced by Johnson, 37; Hartnett, 45; Mines, 18; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Revised Statutes Supplement, 2002; to redefine terms for purposes of budget limitations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 463. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to county boards; to amend sections 23-156 and 23-272, Reissue Revised Statutes of Nebraska; to provide for vacancies resulting from unexcused absences; and to repeal the original sections.

LEGISLATIVE BILL 464. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to corporations; to amend sections 21-1931, 21-1933, 21-19,151, 21-2030, 21-20,173, 67-283, and 70-706, Reissue Revised Statutes of Nebraska, and sections 21-2028, 67-234, and 67-455, Revised Statutes Supplement, 2002; to provide for naming corporations; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to sheriffs' fees; to amend sections 33-117 and 83-424, Reissue Revised Statutes of Nebraska; to change provisions relating to sheriffs' fees; and to repeal the original sections.

LEGISLATIVE BILL 466. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to educational savings plans; to amend sections 85-1804, 85-1806, and 85-1807, Revised Statutes Supplement, 2002; to change provisions relating to investment of funds; to provide for review of contracts; to provide immunity as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 467. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-3001, 81-3004, 81-3006, 81-3007.01, 81-3008, 81-3101, 81-3102, 81-3107, 81-3202, 81-3207, 81-3301, 81-3302, 81-3307, and 84-1409, Reissue Revised Statutes of Nebraska, and sections 71-3406, 71-6065, 71-8250, and 81-3201, Revised Statutes Supplement, 2002; to rename an act; to change and eliminate provisions relating to the Nebraska Health and Human Services System; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3002, 81-3002.01, 81-3003, 81-3005, 81-3007, 81-3009 to 81-3014, 81-3104 to 81-3106, 81-3204 to 81-3206, and 81-3304 to 81-3306, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 468. Introduced by Jensen, 20; Byars, 30.

A BILL FOR AN ACT relating to appropriations; to provide for appropriations from the Nebraska Health Care Cash Fund.

LEGISLATIVE BILL 469. Introduced by Jensen, 20; Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend sections 71-1628.07, 71-1628.08, 71-7606, 71-7607, and 71-7608, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to health care funding; to eliminate the Nursing Facility Conversion Cash Fund and the Children's Health Insurance Cash Fund; to harmonize provisions; to repeal the original sections; and to outright

repeal sections 71-1628.02, 71-7609, and 71-7611.01 to 71-7611.08, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 470. Introduced by Chambers, 11; Beutler, 28; Bromm, 23; Cudaback, 36; Engel, 17; Janssen, 15; Jones, 43; Mines, 18; Schimek, 27; Thompson, 14; Tyson, 19.

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.

LEGISLATIVE BILL 471. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to liquor law; to amend section 53-169.01, Reissue Revised Statutes of Nebraska; to eliminate a beer exception; to remove obsolete language; and to repeal the original section.

LEGISLATIVE BILL 472. Introduced by Schrock, 38; Combs, 32; Jones, 43; McDonald, 41.

A BILL FOR AN ACT relating to county boards; to amend sections 32-529, 32-571, and 32-1308, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-572, Revised Statutes Supplement, 2002; to provide for nonpartisan elections in certain counties; to change provisions relating to filling vacancies for certain county boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3305, Reissue Revised Statutes of Nebraska; to change provisions relating to fluoridation of drinking water; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 474. Introduced by Kruse, 13; Burling, 33; Combs, 32; Johnson, 37; Kremer, 34; Loudon, 49; Dw. Pedersen, 39; Redfield, 12.

A BILL FOR AN ACT relating to child abuse; to amend sections 28-201 and 28-707, Revised Statutes Supplement, 2002; to provide a penalty for driving under the influence with a minor child passenger; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to sales tax; to amend section 77-2702.13, Revised Statutes Supplement, 2002; to exclude certain materials used in the manufacture of steel or cement from the definition of retail sale; and to repeal the original section.

LEGISLATIVE BILL 476. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend sections 17-503 and 17-503.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of real and personal property; to provide duties; to harmonize provisions; and to repeal the original sections.

SENATOR CUDABACK PRESIDING**LEGISLATIVE BILL 477.** Introduced by Connealy, 16.

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.

LEGISLATIVE BILL 478. Introduced by Kremer, 34; Baker, 44; Burling, 33; Erdman, 47; Schrock, 38.

A BILL FOR AN ACT relating to grain; to amend sections 75-901, 75-902, 88-525 to 88-528, 88-536, and 89-1,104.01, Reissue Revised Statutes of Nebraska, and sections 75-156 and 75-903, Revised Statutes Supplement, 2002; to change provisions relating to the Public Service Commission, grain warehousemen, grain dealers, and grain moisture measuring devices; to provide for civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 479. Introduced by Baker, 44.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1345.01, Revised Statutes Supplement, 2002; to change an excise tax on corn and grain sorghum; and to repeal the original section.

LEGISLATIVE BILL 480. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-368 and 75-369, Reissue Revised Statutes of Nebraska, and sections 60-1306, 75-363, 75-364, and 75-366, Revised Statutes Supplement, 2002; to update federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to change an internal reference relating to rules and regulations; to change a reference to the Federal Highway Administration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 481. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1308, Reissue Revised Statutes of Nebraska; to change provisions

relating to failure to stop at a weighing station; and to repeal the original section.

LEGISLATIVE BILL 482. Introduced by Redfield, 12; Aguilar, 35; Baker, 44; Byars, 30; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Friend, 10; Hartnett, 45; Hudkins, 21; Jensen, 20; Johnson, 37; Jones, 43; Kremer, 34; Kruse, 13; Loudon, 49; McDonald, 41; Mines, 18; Mossey, 3; Dw. Pedersen, 39; Price, 26; Quandahl, 31; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Thompson, 14; Tyson, 19.

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 483. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-146.02, Revised Statutes Supplement, 2002; to provide requirements for insurance providers, risk management pools, and self-insurers; and to repeal the original section.

LEGISLATIVE BILL 484. Introduced by Legislative Program Evaluation Committee: Beutler, 28, Chairperson; Engel, 17; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to the Legislative Program Evaluation Act; to amend sections 50-1201 to 50-1215, Reissue Revised Statutes of Nebraska, and section 50-1303, Revised Statutes Supplement, 2002; to rename the act; to authorize performance audits; to define and redefine terms; to change request procedures, notice requirements, and report provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cunningham, 40; Erdman, 47; Friend, 10; Mossey, 3; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 9-329.03, 53-116.01, 53-119.01, 53-123, 53-123.13, 53-134.04, 53-135, 53-138.03, 53-168, and 53-179, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-116.02, 53-117, 53-122, 53-123.04, 53-123.15, 53-124, 53-124.12, 53-124.14, 53-129, 53-131, 53-132, 53-133, 53-134, 53-134.03, and 53-1,115, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to licenses to sell alcoholic liquor; to change provisions relating to fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 53-123.08 and 53-124.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 486. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028, Revised Statutes Supplement, 2002; to change provisions relating to applicable allowable growth rate; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Redfield, 12; Combs, 32; Hudkins, 21; McDonald, 41; Price, 26; Schimek, 27; Stuhr, 24; Thompson, 14.

A BILL FOR AN ACT relating to insurance; to adopt the Model Act Regarding Use of Credit Information in Personal Insurance; and to provide severability.

LEGISLATIVE BILL 488. Introduced by Redfield, 12; Jensen, 20; Quandahl, 31; Tyson, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-106, 60-302, and 77-2703, Revised Statutes Supplement, 2002; to change provisions relating to the issuance of certificates of title and the payment of sales tax; to eliminate an exception to prosecution for violation of motor vehicle registration requirements; and to repeal the original sections.

LEGISLATIVE BILL 489. Introduced by Cudaback, 36; Byars, 30.

A BILL FOR AN ACT relating to district court fees; to amend section 33-106, Reissue Revised Statutes of Nebraska; to change provisions relating to waiver of fees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 490. 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 491. Introduced by Tyson, 19; Cunningham, 40; Friend, 10; Hartnett, 45; Mines, 18; Mossey, 3; Redfield, 12.

A BILL FOR AN ACT relating to firearm ranges; to define terms; to provide for liability and immunity as prescribed; and to provide restrictions on local governments.

LEGISLATIVE BILL 492. Introduced by Tyson, 19; Janssen, 15; Jensen, 20; D. Pederson, 42; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Schools Construction Alternatives Act; to amend sections 79-2001 to 79-2015, Revised Statutes Supplement, 2002; to rename the act; to define terms; to provide for applicability of the act to community colleges and state colleges; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 493. Introduced by Tyson, 19; Connealy, 16; Janssen, 15; Jensen, 20; Mines, 18.

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 494. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to liens; to amend section 9-516, Uniform Commercial Code; to change provisions relating to secured transaction filing; and to repeal the original section.

LEGISLATIVE BILL 495. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to liens; to prohibit nonconsensual common-law liens as prescribed; and to provide a duty for the Revisor of Statutes.

RESOLUTIONS

LEGISLATIVE RESOLUTION 17CA. Introduced by Schrock, 38.

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 VII, sections 7 and 8:

VII-7 "The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated except as otherwise provided in this section, to wit:

First. Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

The Legislature may, by a three-fifths majority vote, annually appropriate not more than ten percent of the principal of the perpetual fund described in this section for such purposes as the Legislature determines."

VII-8 "All funds belonging to the state for educational purposes, the interest and income whereof only are to be used except as provided in Article VII, section 7, of this Constitution, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses except as provided in such section. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in the Constitution, such funds shall be invested as the Legislature may by statute 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 permit the Legislature to annually appropriate not more than ten percent of the principal of the perpetual school funds.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 18CA. Introduced by Redfield, 12; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25.

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 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 or provide that any such residence actually occupied as a homestead is exempt from all or any part of the levy assessed on such portion of the value by one or more political subdivisions as determined by the Legislature.".

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 exempt a levy or part of a levy on homesteads.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 92. No objections. So ordered.

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 117. No objections. So ordered.

Senator Hudkins asked unanimous consent to have her name added as cointroducer to LB 279. No objections. So ordered.

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 300. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 446. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 475. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
 Room 1507

LB 14	Thursday, January 23, 2003	1:30 p.m.
LB 15	Thursday, January 23, 2003	1:30 p.m.
LB 357	Thursday, January 23, 2003	1:30 p.m.
LB 358	Thursday, January 23, 2003	1:30 p.m.
LB 359	Thursday, January 23, 2003	1:30 p.m.
LB 41	Friday, January 24, 2003	1:30 p.m.
LB 84	Friday, January 24, 2003	1:30 p.m.
LB 90	Friday, January 24, 2003	1:30 p.m.
LB 328	Friday, January 24, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Revenue
 Room 1524

LB 281	Thursday, January 23, 2003	1:30 p.m.
LB 369	Thursday, January 23, 2003	1:30 p.m.
LB 177	Thursday, January 23, 2003	1:30 p.m.
LB 319	Thursday, January 23, 2003	1:30 p.m.
LB 322	Thursday, January 23, 2003	1:30 p.m.
LB 373	Thursday, January 23, 2003	1:30 p.m.
LB 419	Thursday, January 23, 2003	1:30 p.m.
LB 72	Thursday, January 23, 2003	1:30 p.m.

(Signed) Matt Connealy, Vice Chairperson

Business and Labor
Room 1524

LB 194	Monday, January 27, 2003	1:30 p.m.
LB 195	Monday, January 27, 2003	1:30 p.m.
LB 196	Monday, January 27, 2003	1:30 p.m.
LB 197	Monday, January 27, 2003	1:30 p.m.
LB 198	Monday, January 27, 2003	1:30 p.m.
LB 199	Monday, January 27, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

ANNOUNCEMENTS

The Building Maintenance Committee elected Senator Thompson as Chairperson and Senator Tyson as Vice Chairperson.

The Legislative Program Evaluation Committee elected Senator Beutler as Chairperson and Senator Price as Vice Chairperson.

ADJOURNMENT

At 11:36 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Friday, January 17, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 17, 2003

PRAYER

The prayer was offered by Senator Vrtiska.

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 Senators Aguilar, Johnson, Landis, Preister, and Wehrbein who were excused; and Senators Beutler, Bourne, Brashear, Brown, Byars, Maxwell, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

ANNOUNCEMENT

The Chair announced today is Senator Jensen's birthday.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 355	Friday, January 24, 2003	1:30 p.m.
LB 282	Friday, January 24, 2003	1:30 p.m.
LB 381	Friday, January 24, 2003	1:30 p.m.
LB 168	Friday, January 24, 2003	1:30 p.m.
LB 385	Friday, January 24, 2003	1:30 p.m.

(Signed) Matt Connealy, Vice Chairperson

Education
Room 1525

LB 53	Monday, January 27, 2003	1:30 p.m.
LB 335	Monday, January 27, 2003	1:30 p.m.
LB 356	Monday, January 27, 2003	1:30 p.m.
LB 370	Monday, January 27, 2003	1:30 p.m.
LB 394	Monday, January 27, 2003	1:30 p.m.

(Signed) Ron Raikes, Chairperson

General Affairs
Room 1510

LB 126	Monday, January 27, 2003	1:30 p.m.
LB 205	Monday, January 27, 2003	1:30 p.m.
LB 243	Monday, January 27, 2003	1:30 p.m.
LB 429	Monday, January 27, 2003	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications
Room 1113

LB 82	Monday, January 27, 2003	1:30 p.m.
LB 102	Monday, January 27, 2003	1:30 p.m.
LB 238	Monday, January 27, 2003	1:30 p.m.
LB 333	Monday, January 27, 2003	1:30 p.m.
LB 342	Monday, January 27, 2003	1:30 p.m.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

The Intergovernmental Cooperation Committee elected Senator McDonald as Vice Chairperson.

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Feasibility of Electronic Filing of Budgeted and Actual Financial Information by Nebraska Political Subdivisions (LB 568) Report

Economic Development, Department of

Fiscal Year 2001-2002 Annual Report
Nebraska Venture Capital Forum 2002 Annual Report

Revenue, Department of

Charitable Gaming Division 2002 Annual Report

Secretary of State

Initiative 300 Report - Summary of Activity 2002 (LB 1193, 1998)

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 496. Introduced by Raikes, 25; at the request of the Governor.

A BILL FOR AN ACT relating to taxation; to amend section 77-1704.01, Revised Statutes Supplement, 2002; to change provisions for property assessment; and to repeal the original section.

LEGISLATIVE BILL 497. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to motor vehicle size, weight, and load; to amend section 60-6,298, Revised Statutes Supplement, 2002; to change provisions relating to the issuance of special, continuing, or continuous permits; and to repeal the original section.

LEGISLATIVE BILL 498. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1407, 60-1410, 60-1411, and 60-1416, Reissue Revised Statutes of Nebraska, and sections 60-1401.02, 60-1403.01, 60-1406, 60-1411.01, 60-1411.02, and 60-1413, Revised Statutes Supplement, 2002; to provide for a dealer's agent license; to provide duties, fees, and penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 499. Introduced by Hartnett, 45; Mines, 18.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-309, Reissue Revised Statutes of Nebraska; to change provisions relating to terms of appointed officers; and to repeal the original section.

LEGISLATIVE BILL 500. Introduced by Smith, 48.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2301, 39-2302, 39-2304 to 39-2311, and 39-2502, Reissue Revised Statutes of Nebraska, and sections 39-2503, 39-2504, and 39-2512 to 39-2514, Revised Statutes Supplement, 2002; to adopt the County Highway and City Street Superintendents Act; to change licensing provisions; to change incentive payments to counties and municipalities as prescribed; to provide findings; to define and redefine terms; to provide powers and duties; to eliminate obsolete provisions; to harmonize

provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 39-2303, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 501. Introduced by Cudaback, 36; Byars, 30; Janssen, 15; Jones, 43; Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 2002; to prohibit use of a mobile telephone as prescribed; to provide a penalty; to provide for enforcement; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 502. Introduced by Schrock, 38; Burling, 33; Cudaback, 36; Engel, 17; Jones, 43; Kruse, 13.

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 on the interstate; and to repeal the original section.

LEGISLATIVE BILL 503. Introduced by Schimek, 27; Kruse, 13.

A BILL FOR AN ACT relating to voting rights; to amend sections 32-312 and 32-1530, Reissue Revised Statutes of Nebraska, and sections 29-112, 29-2264, 32-313, and 83-1,118, Revised Statutes Supplement, 2002; to provide for the restoration of voting rights upon completion of a felony sentence or probation for a felony; to harmonize provisions; and to repeal the original sections.

MOTION - Withdraw LB 325

Senator Kruse renewed the Preister pending motion, found on page 165, to withdraw LB 325.

The Preister motion to withdraw prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 504. Introduced by Jensen, 20; Janssen, 15.

A BILL FOR AN ACT relating to cigarettes; to amend sections 28-1420, 28-1421, 28-1423, and 28-1424, Reissue Revised Statutes of Nebraska, and sections 28-1422 and 77-2601, Revised Statutes Supplement, 2002; to require licensure for Internet purchases of

cigarettes as prescribed; to redefine a term; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 505. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 2002; to change the income tax rates; and to repeal the original section.

LEGISLATIVE BILL 506. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02 and 77-2715.07, Revised Statutes Supplement, 2002; to change the income tax rates; to provide a tax credit for long-term care insurance premiums; and to repeal the original sections.

LEGISLATIVE BILL 507. 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 for applicability; and to repeal the original sections.

LEGISLATIVE BILL 508. Introduced by Raikes, 25; Redfield, 12.

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, and section 13-518, Revised Statutes Supplement, 2002; to change payment and distribution of tax revenue; to redefine restricted funds; to create a fund; to provide duties for the Tax Commissioner; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 509. 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 for applicability; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Hudkins, 21; Baker, 44; Bromm, 23; Jones, 43; Dw. Pedersen, 39; Stuhr, 24.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 50-401.01, Revised Statutes Supplement, 2002; to change

provisions relating to membership on the Executive Board; and to repeal the original section.

LEGISLATIVE BILL 511. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend sections 13-1601, 13-1603, 13-1618, and 13-1622, Reissue Revised Statutes of Nebraska; to authorize joint agreements relating to excess insurance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 512. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to relating to abortion; to amend section 28-101, Revised Statutes Supplement, 2002; 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 513. Introduced by Byars, 30.

A BILL FOR AN ACT relating to postsecondary educational institutions; to require certain vaccinations as prescribed; and to provide for waivers.

LEGISLATIVE BILL 514. Introduced by Stuhr, 24; Erdman, 47; Hartnett, 45; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2017, Revised Statutes Supplement, 2002; to change contributions as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 515. Introduced by Synowiecki, 7; Combs, 32; Cunningham, 40; Stuthman, 22.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2280, 29-2281, and 29-2286, Reissue Revised Statutes of Nebraska; to change provisions relating to restitution orders and enforcement as prescribed; to provide duties for the Supreme Court Administrator; and to repeal the original sections.

LEGISLATIVE BILL 516. Introduced by Synowiecki, 7; Aguilar, 35; Baker, 44; Bourne, 8; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Foley, 29; Hartnett, 45; Hudkins, 21; Janssen, 15; Jensen, 20; Johnson, 37; Kruse, 13; Loudon, 49; McDonald, 41; Preister, 5; Price, 26; Schimek, 27; Smith, 48; Stuthman, 22; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3501.01, 77-3506.03, 77-3509.01 to 77-3509.03, 77-3511, 77-3521,

77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, and 77-3523, Revised Statutes Supplement, 2002; to create a homestead exemption; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 517. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103 to 77-4105 and 77-4112, Revised Statutes Supplement, 2002; to require health care benefits for new employees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 518. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to air quality; to amend sections 81-15,135 and 81-15,136, Reissue Revised Statutes of Nebraska; to adopt the Citizen Oversight Committee Act; to change provisions relating to permits; and to repeal the original sections.

LEGISLATIVE BILL 519. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2002; to change levy limitations for cities of the second class and villages; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 520. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-519, Revised Statutes Supplement, 2002; to change budget limitation provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 521. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to special elections; to amend sections 18-2521 and 32-559, Reissue Revised Statutes of Nebraska, and sections 10-703.01 and 32-101, Revised Statutes Supplement, 2002; to change provisions relating to holding special elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 522. 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.

LEGISLATIVE BILL 523. Introduced by Connealy, 16; Cunningham, 40; Erdman, 47.

A BILL FOR AN ACT relating to the State-Tribal Cooperative Agreements Act; to amend sections 13-1501 and 13-1502, Reissue Revised Statutes of Nebraska; to redefine a term; to eliminate a provision relating to preexisting agreements; to harmonize provisions; to repeal the original sections; to outright repeal section 13-1509, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 524. Introduced by Mines, 18.

A BILL FOR AN ACT relating to corporations; to amend sections 21-302, 21-303, 21-305, 21-311, 21-314, 21-321, 21-323.01, 21-325.01, 21-330, 21-20,182, 21-20,188, 21-2216, and 21-2217, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-304, 21-306, 21-313, 21-323, and 21-325, Revised Statutes Supplement, 2002; to change occupation tax provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 525. Introduced by Kruse, 13; Burling, 33; Cudaback, 36; Foley, 29; Jones, 43; McDonald, 41; Dw. Pedersen, 39; Stuthman, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Revised Statutes Supplement, 2002; to provide and change penalties; to provide for license suspension for minors' violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Erdman, 47; Baker, 44; Bromm, 23; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Engel, 17; Friend, 10; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Loudon, 49; Mines, 18; Mossey, 3; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Tyson, 19; Vrtiska, 1; at the request of the Governor.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, 29-2543, and 29-2544, Reissue Revised Statutes of Nebraska, and section 29-2524, Reissue Revised Statutes of Nebraska, as amended by section 16, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to change the mode of inflicting the death penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 527. Introduced by Louden, 49; Baker, 44; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Jones, 43; Dw. Pedersen, 39; Price, 26; Redfield, 12; Smith, 48; Stuthman, 22.

A BILL FOR AN ACT relating to ground water; to state intent; to provide for a transfer fee as prescribed; to provide for permits, reports, and metering as prescribed; to create and provide for a fund; and to provide duties.

LEGISLATIVE BILL 528. Introduced by Baker, 44; Burling, 33; Cunningham, 40; Erdman, 47; Foley, 29; Kremer, 34; Mines, 18; Mossey, 3; Quandahl, 31; Smith, 48; Tyson, 19; Vrtiska, 1; at the request of the Governor.

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, 2002; to change provisions relating to postconviction proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 529. Introduced by Baker, 44.

A BILL FOR AN ACT relating to elections; to amend sections 23-150 and 32-602, Reissue Revised Statutes of Nebraska; to change residency requirements for nomination for county commissioners; to change provisions relating to filing for office; and to repeal the original sections.

LEGISLATIVE BILL 530. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-313, Revised Statutes Supplement, 2002; to change provisions relating to surcharge hearings; and to repeal the original section.

LEGISLATIVE BILL 531. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 18-2432, 70-604.06, 70-1016, 75-121, and 75-1008, Reissue Revised Statutes of Nebraska, and sections 75-117, 75-122.01, 75-132.01, 75-134, 75-136, 75-156, 86-123, 86-158, and 86-578, Revised Statutes Supplement, 2002; to change and eliminate appeal provisions to conform with the Administrative Procedure Act; 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, 2002.

LEGISLATIVE BILL 532. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-304 to 75-306, 75-307.01, 75-309, and 75-311, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-128, 75-156, 75-302, and 75-303, Revised Statutes Supplement, 2002; to require a passenger carrier license for motor vehicle operators transporting passengers; to provide for fees and penalties; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 533. 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, 2002; to change provisions relating to special designated licenses; to harmonize provisions; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 19CA. Introduced by Schimek, 27; Kruse, 13.

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 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 automatically restore a felon's right to vote upon completion of the sentence and parole.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

LB 158	Tuesday, January 28, 2003	1:30 p.m.
LB 159	Tuesday, January 28, 2003	1:30 p.m.
LB 161	Tuesday, January 28, 2003	1:30 p.m.

LB 250	Tuesday, January 28, 2003	1:30 p.m.
LB 219	Tuesday, February 4, 2003	1:30 p.m.
LB 233	Tuesday, February 4, 2003	1:30 p.m.
LB 273	Tuesday, February 4, 2003	1:30 p.m.
LB 274	Tuesday, February 4, 2003	1:30 p.m.

(Signed) Bob Kremer, Chairperson

Education
Room 1525

LB 181	Tuesday, January 28, 2003	1:30 p.m.
LB 244	Tuesday, January 28, 2003	1:30 p.m.
LB 389	Tuesday, January 28, 2003	1:30 p.m.
LR 13CA	Tuesday, January 28, 2003	1:30 p.m.
LR 15CA	Tuesday, January 28, 2003	1:30 p.m.

(Signed) Ron Raikes, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 17, 2003, 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

American Communications Group, Inc.
American Heart Association, Heartland Affiliate

Berryman, Scott
AT&T Corporation

Campbell, Mary M.
Adair Asset Management

Cutshall & Associates
Builders & Suppliers Coalition

Hallstrom, Robert J.
Nebraskans' For Workers' Compensation Equity

Hazuka, Daniel J.
Gambling With the Good Life

Japp, Lyle W.
Gambling With the Good Life

Kramer, David J.
USA Outdoor

Loontjer, Pat
Gambling With the Good Life

O'Hara, Lindsay & Associates, Inc.
National Chapter of Professional Employer Organizations - Heartland
Chapter

Plucker, Julia
Children's Healthcare Services (Withdrawn 1/17/2003)

Quinlan, James L.
Children's Healthcare Services

Radcliffe, Walter H.
Robert A. Skochdopole

Reid, William S.
Eli Lilly & Co.

Skochdopole, Robert A.
Beef, Ltd., Nebraska
Independent Insurers, National Association of

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to have her name added as cointroducer to LB 272, LB 273, LB 274, LB 275, LB 276, and LB 300. No objections. So ordered.

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 432 and LB 460. No objections. So ordered.

ADJOURNMENT

At 10:24 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Tuesday, January 21, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 21, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 2003

PRAYER

The prayer was offered by Pastor Lewis Miller, Milford Mennonite Church, Milford, Nebraska.

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, Landis, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 124	Nebraska Retirement Systems (rereferred)
LB 410	Appropriations (rereferred)
LB 433	Government, Military and Veterans Affairs
LB 434	Revenue
LB 435	Business and Labor
LB 436	Banking, Commerce and Insurance
LB 437	Government, Military and Veterans Affairs
LB 438	Judiciary
LB 439	Government, Military and Veterans Affairs
LB 440	Appropriations
LB 441	Business and Labor
LB 442	Nebraska Retirement Systems
LB 443	Revenue
LB 444	Government, Military and Veterans Affairs
LB 445	Government, Military and Veterans Affairs

LB 446	Banking, Commerce and Insurance
LB 447	Revenue
LB 448	Revenue
LB 449	Natural Resources
LB 450	Health and Human Services
LB 451	Nebraska Retirement Systems
LB 452	Transportation and Telecommunications
LB 453	Revenue
LB 454	Judiciary
LB 455	Judiciary
LB 456	Judiciary
LB 457	Judiciary
LB 458	Judiciary
LB 459	Judiciary
LB 460	Judiciary
LB 461	Government, Military and Veterans Affairs
LB 462	Revenue
LB 463	Government, Military and Veterans Affairs
LB 464	Banking, Commerce and Insurance
LB 465	Government, Military and Veterans Affairs
LB 466	Education
LB 467	Health and Human Services
LB 468	Appropriations
LB 469	Appropriations
LB 470	Executive Board
LB 471	General Affairs
LB 472	Government, Military and Veterans Affairs
LB 473	Health and Human Services
LB 474	Judiciary
LB 475	Revenue
LB 476	Urban Affairs
LB 477	Government, Military and Veterans Affairs
LB 478	Agriculture
LB 479	Revenue
LB 480	Transportation and Telecommunications
LB 481	Transportation and Telecommunications
LB 482	Education
LB 483	Business and Labor
LB 484	Executive Board
LB 485	General Affairs
LB 486	Education
LB 487	Banking, Commerce and Insurance
LB 488	Revenue
LB 489	Judiciary
LB 490	Banking, Commerce and Insurance
LB 491	Judiciary
LB 492	Education
LB 493	Judiciary
LB 494	Banking, Commerce and Insurance

LB 495 Judiciary
 LR 17CA Education
 LR 18CA Revenue

(Signed) Pat Engel, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance
 Room 1507

LB 130	Tuesday, January 28, 2003	1:30 p.m.
LB 127	Tuesday, January 28, 2003	1:30 p.m.
LB 128	Tuesday, January 28, 2003	1:30 p.m.
LB 156	Tuesday, January 28, 2003	1:30 p.m.
LB 60	Monday, February 3, 2003	1:30 p.m.
LB 61	Monday, February 3, 2003	1:30 p.m.
LB 155	Monday, February 3, 2003	1:30 p.m.
LB 175	Monday, February 3, 2003	1:30 p.m.

(Signed) Mark Quandahl, Chairperson

Transportation and Telecommunications
 Room 1113

LB 101	Tuesday, January 28, 2003	1:30 p.m.
LB 185	Tuesday, January 28, 2003	1:30 p.m.
LB 186	Tuesday, January 28, 2003	1:30 p.m.
LB 187	Tuesday, January 28, 2003	1:30 p.m.
LB 259	Tuesday, January 28, 2003	1:30 p.m.
LB 371	Tuesday, January 28, 2003	1:30 p.m.

(Signed) Tom Baker, Chairperson

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

Final Committee Report by the Legislative Program Evaluation Committee
 of Health and Human Services System (HHSS) Personal-Services
 Contracts

Investment Finance Authority

Drinking Water State Revolving Fund Revenue Bonds Series 2002A

Legislative Program Evaluation Committee

Final Committee Report by the Legislative Program Evaluation Committee
 of Health and Human Services System (HHSS) Personal-Services

Contracts

Motor Vehicles, Department of

Operator's Licenses Suspended Annual Report

BILLS ON FIRST READING

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

LEGISLATIVE BILL 534. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to education; to amend sections 43-2007, 79-1603, 79-1604, 79-1606, and 79-1607, Reissue Revised Statutes of Nebraska, and sections 77-2704.12 and 79-1605, Revised Statutes Supplement, 2002; to provide for part-time enrollment and for participation by exempt students in public school courses and activities; to provide duties for school boards; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 535. Introduced by Thompson, 14; Mossey, 3.

A BILL FOR AN ACT relating to pretrial diversion; to amend section 29-3606, Revised Statutes Supplement, 2002; to establish driver's safety training program requirements; and to repeal the original section.

LEGISLATIVE BILL 536. Introduced by Hudkins, 21.

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; to change provisions relating to farm wineries; and to repeal the original sections.

LEGISLATIVE BILL 537. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend section 32-617, Reissue Revised Statutes of Nebraska, and sections 32-608 and 32-615, Revised Statutes Supplement, 2002; to change provisions relating to filing fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 538. Introduced by Schimek, 27.

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 539. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to assessment of property; to amend section 77-1359, Revised Statutes Supplement, 2002; to change

provisions relating to the definition of agricultural and horticultural land; and to repeal the original section.

LEGISLATIVE BILL 540. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 79-1003, 79-1008.01, 79-1022, and 79-1022.02, Revised Statutes Supplement, 2002; to change provisions relating to maximum levy and state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 541. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to schools; to amend section 79-515, Reissue Revised Statutes of Nebraska, and section 73-106, Revised Statutes Supplement, 2002; to change public bidding requirements for certain building projects; to require public bidding for certain services, equipment, and supplies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 542. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to inmate discipline; to amend section 83-4,122, Reissue Revised Statutes of Nebraska; to change provisions relating to classification; and to repeal the original section.

LEGISLATIVE BILL 543. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2709, Reissue Revised Statutes of Nebraska; to authorize the Department of Revenue to impose a collection assistance fee; to create a fund; to eliminate a penalty provision; and to repeal the original section.

LEGISLATIVE BILL 544. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-958, Revised Statutes Supplement, 2002; to change the employee contribution rate; and to repeal the original section.

LEGISLATIVE BILL 545. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to schools; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 2002; to impose an income tax for support of schools; to provide for distribution of tax receipts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 546. Introduced by Thompson, 14; Aguilar, 35; Brown, 6; Byars, 30; Foley, 29; Jensen, 20; Johnson, 37; Kruse, 13; Preister,

5; Price, 26; Raikes, 25; Redfield, 12; Schimek, 27; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5702, 71-5704, and 71-5708, Reissue Revised Statutes of Nebraska, and section 71-5707, Revised Statutes Supplement, 2002; to state intent; to redefine a term; to change designated smoking area provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2281 and 29-2284, Reissue Revised Statutes of Nebraska; to change enforcement and sanctions relating to restitution orders; and to repeal the original sections.

LEGISLATIVE BILL 548. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend section 32-241, Revised Statutes Supplement, 2002; to prohibit certain acts by employers of election workers and by election officials; and to repeal the original section.

LEGISLATIVE BILL 549. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1718, Reissue Revised Statutes of Nebraska; to change provisions relating to actions to contest annexation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 550. 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 bridges; to provide for transfers of ownership; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to bridges; to amend section 39-856, Reissue Revised Statutes of Nebraska; to change provisions relating to interstate bridges; to provide for transfers of ownership; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 552. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to roads; to amend sections 39-2223, 39-2224, and 66-4,100, Reissue Revised Statutes of Nebraska, and section

66-4,144, Revised Statutes Supplement, 2002; to change provisions relating to the Highway Cash Fund and road bonds; to reallocate certain sales tax revenue; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 553. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to telephone solicitation; to amend sections 75-109.01, 75-132.01, 75-134, and 75-156, Revised Statutes Supplement, 2002; to provide intent; to define terms; to prohibit certain telephone solicitations; to provide powers and duties; to authorize fees; to provide for confidentiality; to provide for procedures and appeals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 554. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 32-1601 and 32-1606, Reissue Revised Statutes of Nebraska, and sections 32-1603, 32-1604, 32-1604.01, 32-1608, 49-1463.01, 49-14,124, and 49-14,125, Revised Statutes Supplement, 2002; 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 555. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to fuel taxes; to amend sections 66-4,145, 66-4,146, 66-670, and 66-6,109, Reissue Revised Statutes of Nebraska; to increase excise taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 556. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Structure Task Force; to state intent relating to appropriations; to provide for termination; and to declare an emergency.

LEGISLATIVE BILL 557. 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, 2002; 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 558. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for coordination of claims and benefits under laws of different jurisdictions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 559. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-482, 60-4,118.04, 60-4,123.01, 60-4,130.05, 60-4,155, and 60-4,173 to 60-4,175, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-484, 60-486, 60-495, 60-4,115, 60-4,118, 60-4,127, 60-4,146.01, 60-4,158, and 60-4,181, Revised Statutes Supplement, 2002; to change provisions relating to rules and regulations; to change provisions relating to means of identification for operator's license and state identification card issuance; to provide for cancellation of a license or card due to invalid social security numbers; to change distribution of fees; to provide for confiscation of canceled licenses or cards as prescribed; to change provisions relating to Class M licenses; to change provisions relating to driver training schools; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 5 and 12 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 5 and 12.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 560. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1201, 60-6,324, and 60-1805, Reissue Revised Statutes of Nebraska, and sections 13-910, 30-24,125, 37-1291, 60-106, 60-108, 60-110, 60-111.01, 60-301, 60-302.05, 60-308, 60-311.01, 60-311.02, 60-483, and 81-8,219, Revised Statutes Supplement, 2002; to provide for transfer of certificates of title for motorboats in certain decedents' estates; to provide for salvage and nontransferable certificates of title for motorboats; to provide for disposition of abandoned motorboats; to change provisions relating to the State Boat Act, motor vehicle certificates of title and registration, and registration of snowmobiles and camper units; to change fees for motor vehicle record requests; to provide

penalties; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend section 60-305.02, Reissue Revised Statutes of Nebraska, and section 60-305.09, Revised Statutes Supplement, 2002; to provide for sanctions against registration certificates issued under the International Registration Plan for federal violations; to change provisions relating to operation of nonresident vehicles and trip permits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 562. Introduced by Baker, 44.

A BILL FOR AN ACT relating to commercial drivers' licenses; to amend sections 60-4,131, 60-4,138, 60-4,156, 60-4,168.01, and 60-4,172, Reissue Revised Statutes of Nebraska, and sections 29-3608, 60-462, 60-483, 60-487, 60-4,112, 60-4,132, 60-4,137, 60-4,142, 60-4,141.01, 60-4,144, and 60-4,168, Revised Statutes Supplement, 2002; to change issuance requirements for LPC-learner's permits; to provide for a school bus endorsement; to provide additional reasons for disqualification of drivers and cancellation, revocation, and suspension of licenses; to provide reporting requirements and other duties for the Director of Motor Vehicles and the department; to change and provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-467 and 60-477, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 563. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-104, 60-305.04, 60-305.10, 60-305.11, 60-305.14, 60-305.17, 60-306, 60-318, 60-331, 60-344, 60-348, 60-3007, 75-305, and 75-386, Reissue Revised Statutes of Nebraska, and sections 13-518, 39-2215, 60-102, 60-106, 60-301, 60-305.03, 60-305.09, 60-305.15, 60-305.16, 60-310, 60-311, 60-311.02, 60-6,298, 60-1401.02, 60-3002, 60-3004, 66-1406.02, 66-1414, 77-1342, and 77-2703, Revised Statutes Supplement, 2002; to define and redefine terms; to change and transfer provisions relating to apportionable vehicles in interstate commerce; to adopt provisions of the International Registration Plan; to create the International Registration Plan Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 564. 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 565. Introduced by Brown, 6.

A BILL FOR AN ACT relating to county officials; to amend sections 23-1701, 23-1901, 23-3201, 32-518 to 32-523, 32-525, and 32-526, Reissue Revised Statutes of Nebraska; to authorize interlocal agreements relating to the powers and duties of county officials; to change election provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Foley, 29.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2002; to create the offense of destructive research on a human embryo; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 567. Introduced by Foley, 29.

A BILL FOR AN ACT relating to counties; to amend section 23-1201, Reissue Revised Statutes of Nebraska; to authorize counties to enact ordinances as prescribed; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 568. Introduced by Hartnett, 45; Loudon, 49; Mossey, 3; Thompson, 14.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-1301, Revised Statutes Supplement, 2002; to change provisions relating to the state veteran cemetery system; and to repeal the original section.

LEGISLATIVE BILL 569. Introduced by Schrock, 38; Burling, 33; Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Research and Extension Center at Clay Center; and to declare an emergency.

LEGISLATIVE BILL 570. Introduced by Schrock, 38; Burling, 33; Connealy, 16; Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to amend section 85-942, Reissue Revised Statutes of Nebraska; to state intent relating to the University of Nebraska Institute of Agriculture and Natural Resources; and to repeal the original section.

SENATOR CUDABACK PRESIDING**LEGISLATIVE BILL 571.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to tobacco; to amend sections 69-2702 and 69-2703, Revised Statutes Supplement, 2002; to change provisions relating to the Master Settlement Agreement and escrow funds; to redefine a term; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 572. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to tobacco; to amend sections 77-2601, 77-2603, and 77-2620, Revised Statutes Supplement, 2002; to change provisions relating to enforcement of the Master Settlement Agreement and cigarette tax stamps; to provide and change powers and duties; to provide penalties; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 573. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska, and sections 71-17,104 and 71-5715, Revised Statutes Supplement, 2002; to adopt the Nebraska Scholarship Act; to eliminate the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, and the State Scholarship Award Program Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-980 to 85-992, 85-993.01 to 85-997, 85-999 to 85-9,102.01, 85-9,117 to 85-9,124, 85-9,126 to 85-9,132.01, 85-9,140 to 85-9,155, and 85-9,157 to 85-9,162, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 574. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska, and sections 71-17,104 and 71-5715, Revised Statutes Supplement, 2002; to adopt the Nebraska Scholarship Act; to eliminate the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, and the State Scholarship Award Program Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-980 to 85-992, 85-993.01 to 85-997, 85-999 to 85-9,102.01, 85-9,117 to 85-9,124, 85-9,126 to 85-9,132.01, 85-9,140 to 85-9,155, and 85-9,157 to 85-9,162, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 575. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska, and sections 71-17,104 and 71-5715, Revised Statutes Supplement, 2002; to provide for tuition waivers as prescribed; to state intent relating to appropriation of funds; to eliminate the Postsecondary Education Award

Program Act, the Scholarship Assistance Program Act, and the State Scholarship Award Program Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-980 to 85-992, 85-993.01 to 85-997, 85-999 to 85-9,102.01, 85-9,117 to 85-9,124, 85-9,126 to 85-9,132.01, 85-9,140 to 85-9,155, and 85-9,157 to 85-9,162, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 576. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 66-1349, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-4101, 77-4103, 77-4104, 77-4105, 77-4112, 77-5405, and 77-5536, Revised Statutes Supplement, 2002; to change requirements under the Employment and Investment Growth Act; to change and eliminate certain tax incentive laws; to eliminate the Employment Expansion and Investment Incentive Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2113, 77-27,188.01, 77-27,189, 77-27,191, Reissue Revised Statutes of Nebraska, and sections 77-27,187, 77-27,187.01, 77-27,188, 77-27,188.02, 77-27,190, 77-27,192, 77-27,193, 77-27,194, 77-27,194.01, 77-27,195, and 77-27,196.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 577. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4104 and 77-4112, Revised Statutes Supplement, 2002; to change investment and employment requirements; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4113, Reissue Revised Statutes of Nebraska, and sections 77-4104 and 77-4112, Revised Statutes Supplement, 2002; to create a board; to change approval procedures for applications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2002; to impose a surcharge on depreciation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,222, Revised Statutes Supplement, 2002; to change the child care services tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2702.03, 77-2702.07, 77-2702.09, 77-2702.11, 77-2702.13 to 77-2702.17, 77-2703, 77-2704.11, 77-2704.26, 77-2704.27, 77-2704.30, and 77-2704.31, Revised Statutes Supplement, 2002; to eliminate sales tax on certain services; to exempt certain manufacturing components and subscriptions from sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 582. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-920, Reissue Revised Statutes of Nebraska; to provide for expiration of rules as prescribed; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 583. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend sections 50-1201, 50-1203, 84-907.06, 84-907.07, and 84-920, Reissue Revised Statutes of Nebraska; to redefine a term and provide duties under the Legislative Program Evaluation Act; to provide for and change provisions relating to notice and objections to proposed rules and regulations under the Administrative Procedure Act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 584. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-920, Reissue Revised Statutes of Nebraska; to require reports; to provide for expedited repeal of certain rules and regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 585. 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 586. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-151, Revised Statutes Supplement, 2002; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 587. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07, 77-2702.09, 77-2702.11, 77-2702.13 to 77-2702.17, 77-2703, 77-2704.11, 77-2704.26, 77-2704.27, 77-2704.30, and 77-2704.31, Revised Statutes Supplement, 2002; to eliminate sales tax on certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Kruse, 13; Byars, 30; Combs, 32; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to insurance; to amend sections 44-791 to 44-795, Revised Statutes Supplement, 2002; to change provisions relating to coverage for mental health conditions; to provide a penalty; to provide duties for the Director of Insurance; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by Landis, 46.

A BILL FOR AN ACT relating to real property; to authorize award of costs and attorney's fees for certain residential real property actions.

LEGISLATIVE BILL 590. Introduced by Schrock, 38; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Janssen, 15; Johnson, 37; Jones, 43; Kremer, 34; Kruse, 13; Preister, 5; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-489, 66-499, and 66-4,105, Reissue Revised Statutes of Nebraska, and sections 66-1345, 66-1345.01, and 66-1345.04, Revised Statutes Supplement, 2002; to change the motor vehicle fuel tax as prescribed; to change funding for ethanol production incentives; to require a report; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 591. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to civil procedure; to provide an attorney's fee in contract actions; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 592. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to taxation; to amend sections 14-118, 15-104, 15-115, 16-117, 16-125, 17-405, 17-405.01, 79-468, 79-475, and 79-476, Reissue Revised Statutes of Nebraska, and section 79-473, Revised Statutes Supplement, 2002; to change annexation and merger effective dates as they relate to taxation valuation and assessment; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 593. Introduced by Jensen, 20.

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; to except certain liens; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 594. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-516.01, 71-516.04, and 71-6014, Reissue Revised Statutes of Nebraska, and sections 71-401, 71-448, 71-460, 71-461, 71-516.03, and 71-6038, Revised Statutes Supplement, 2002; to define and redefine terms; to name and rename acts; to provide requirements for admission; 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; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-463 and 71-516.02, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 595. Introduced by Janssen, 15; Jones, 43; Landis, 46; Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a county income tax; and to provide duties for the Department of Revenue.

LEGISLATIVE BILL 596. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Bourne, 8; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12; and Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-2716.01, Revised Statutes Supplement, 2002; to change income tax calculation; and to repeal the original sections.

LEGISLATIVE BILL 597. Introduced by Synowiecki, 7; Bourne, 8; Janssen, 15.

A BILL FOR AN ACT relating to schools; to state intent; and to provide for a study of countywide school districts.

LEGISLATIVE BILL 598. Introduced by Tyson, 19; Baker, 44; Bromm, 23; Chambers, 11; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Foley, 29; Hartnett, 45; Janssen, 15; Jensen, 20; Jones, 43; Kremer, 34; Kruse, 13; McDonald, 41; Mines, 18; Preister, 5; Price, 26; Quandahl, 31; Schrock, 38; Stuthman, 22; Synowiecki, 7; Vrtiska, 1.

A BILL FOR AN ACT relating to the Legislature; to provide for a study group and a study on eliminating term limits.

LEGISLATIVE BILL 599. Introduced by Tyson, 19; Jensen, 20.

A BILL FOR AN ACT relating to engineers and architects; to amend section 81-3445, Reissue Revised Statutes of Nebraska, and sections 2-3256, 81-3449, and 81-3453, Revised Statutes Supplement, 2002; to change and eliminate requirements for use of engineering and architectural services; to repeal the original sections; to outright repeal section 81-3447, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 600. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-607, Revised Statutes Supplement, 2002; to change provisions relating to the designation of depositories; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 601. Introduced by Tyson, 19; Connealy, 16; Cunningham, 40; Engel, 17; Landis, 46.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1517, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2002; to change tax levy limitations as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 602. Introduced by Smith, 48; Aguilar, 35; Baker, 44; Bourne, 8; Bromm, 23; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Foley, 29; Friend, 10; Hartnett, 45; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Loudon, 49; Maxwell, 9; McDonald, 41; Mines, 18; Mossey, 3; Dw. Pedersen, 39; Preister, 5; Price, 26; Quandahl, 31; Redfield, 12; Schrock, 38; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2002; to adopt the Human Cloning Prohibition Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Smith, 48.

A BILL FOR AN ACT relating to elections; to amend section 32-914, Revised Statutes Supplement, 2002; to require a voter to present proof of identity prior to voting; and to repeal the original section.

LEGISLATIVE BILL 604. Introduced by Friend, 10; Mossey, 3; Quandahl, 31.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-180.02, Revised Statutes Supplement, 2002; to change provisions relating to possession by minors; and to repeal the original section.

LEGISLATIVE BILL 605. Introduced by Smith, 48.

A BILL FOR AN ACT relating to elections; to amend section 32-221, Reissue Revised Statutes of Nebraska, and sections 32-223, 32-230, and 32-231, Revised Statutes Supplement, 2002; to change provisions relating to persons appointed to receiving boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 606. Introduced by Friend, 10.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-1,106, Reissue Revised Statutes of Nebraska, and section 53-1,104, Revised Statutes Supplement, 2002; to change provisions relating to retail license suspension; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 2002; to provide duties relating to performance evaluations; and to repeal the original section.

LEGISLATIVE BILL 608. Introduced by Landis, 46; Aguilar, 35; Bromm, 23; Combs, 32; Hartnett, 45; Janssen, 15; Johnson, 37; Kruse, 13; Loudon, 49; McDonald, 41; Preister, 5; Price, 26; Raikes, 25; Schimek, 27; Schrock, 38.

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, 2002; to provide for public access to information; and to repeal the original sections.

LEGISLATIVE BILL 609. Introduced by Transportation and Telecommunications Committee: Baker, 44, Chairperson; Aguilar, 35; Brown, 6; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Smith, 48; Stuthman, 22.

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, 2002; to authorize issuance of undercover license plates and operator's licenses to federal law enforcement agencies; and to repeal the original sections.

LEGISLATIVE BILL 610. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to indigent defendants; to amend section 29-3904, Reissue Revised Statutes of Nebraska; to change

provisions relating to appointment of other counsel; and to repeal the original section.

LEGISLATIVE BILL 611. Introduced by Tyson, 19; Aguilar, 35; Combs, 32; Redfield, 12; Thompson, 14.

A BILL FOR AN ACT relating to blind and visually impaired persons; to amend sections 63-106, 71-8601 to 71-8603, 71-8605, 71-8607 to 71-8616, and 73-205, Revised Statutes Supplement, 2002; to rename the Commission for the Blind and Visually Impaired Act; to eliminate the Commission for the Blind and Visually Impaired; to transfer powers and duties to the Department of Health and Human Services; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 71-8604, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 612. Introduced by Bourne, 8; Johnson, 37; Kremer, 34.

A BILL FOR AN ACT relating to roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change factors considered for the state highway plan; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by Bourne, 8; Synowiecki, 7.

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 614. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to criminal procedure; to state intent; to require electronic recording of custodial interrogations or questioning at a place of detention; and to define terms.

LEGISLATIVE BILL 615. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to housing; to amend section 19-4801, Revised Statutes Supplement, 2002; to authorize the enforcement of housing codes as prescribed; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 616. Introduced by Redfield, 12.

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 617. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901, Revised Statutes Supplement, 2002; to hold the appearance bond as possible restitution for the victim as prescribed; and to repeal the original section.

LEGISLATIVE BILL 618. Introduced by Jones, 43; Kremer, 34; Louden, 49; Stuhr, 24.

A BILL FOR AN ACT relating to electrical service; to provide requirements relating to net metering systems.

LEGISLATIVE BILL 619. Introduced by Jones, 43; Burling, 33; Cudaback, 36; Kremer, 34; Louden, 49; McDonald, 41; Schrock, 38; Stuhr, 24; Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.02, Reissue Revised Statutes of Nebraska; to state intent; and to repeal the original section.

LEGISLATIVE BILL 620. Introduced by Jones, 43; Baker, 44; Burling, 33; Stuthman, 22.

A BILL FOR AN ACT relating to schools; to amend sections 77-2715 and 77-27,132, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-3444, 79-1008.01, 79-1008.02, and 79-1029, Revised Statutes Supplement, 2002; to authorize an income tax for support of schools; to provide for distribution of tax receipts; to change levy limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-27,132, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1018.01, and 79-1022, Revised Statutes Supplement, 2002; to impose a local income tax to support schools; to provide for treatment and distribution of the proceeds; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue; to amend section 77-3618, Revised Statutes Supplement, 2002; to provide minimum levy adjustment for county property tax; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 623. Introduced by Stuthman, 22; Jones, 43; Louden, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Revised Statutes Supplement, 2002; to change provisions relating to comparable sales; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by Brown, 6.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2036, Reissue Revised Statutes of Nebraska; to prohibit issuance or renewal of permits for waste facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 625. Introduced by Brown, 6.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-326 and 20-330, Reissue Revised Statutes of Nebraska; to change provisions relating to discriminatory housing practice complaint procedure and information; and to repeal the original sections.

LEGISLATIVE BILL 626. Introduced by Preister, 5; Bourne, 8; Bromm, 23; Connealy, 16; Jensen, 20; Redfield, 12; Schimek, 27; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to provide requirements for contracts for services; and to declare an emergency.

LEGISLATIVE BILL 627. Introduced by Thompson, 14; Janssen, 15; D. Pederson, 42; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend sections 81-188.01, 81-188.03, and 81-188.05, Revised Statutes Supplement, 2002; to change provisions relating to allocation of revenue from depreciation charges; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 628. Introduced by Landis, 46.

A BILL FOR AN ACT relating to domestic abuse; to amend section 42-931, Reissue Revised Statutes of Nebraska; to adopt the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 629. Introduced by Landis, 46.

A BILL FOR AN ACT relating to children; to amend sections 42-351 and 43-104, Revised Statutes Supplement, 2002; to adopt the Uniform Child-Custody Jurisdiction and Enforcement Act; to repeal the Nebraska Child Custody Jurisdiction Act; to harmonize provisions; to provide an

operative date; to provide for severability; to repeal the original sections; and to outright repeal sections 43-1201 to 43-1225, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 630. Introduced by Brown, 6; Bourne, 8; Jensen, 20.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5302 and 44-5305 to 44-5307, Reissue Revised Statutes of Nebraska; to change provisions relating to uninsured access coverage policies and contracts; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 20CA. Introduced by Beutler, 28.

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 V, section 1:

V-1 "The judicial power of the state shall be vested in a Supreme Court, an appellate court, district courts, county courts, ~~in and for each county,~~ with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof."

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 remove the requirement that each county have a county court in and for each county.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 21CA. Introduced by Stuhr, 24.

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 18:

III-18 "(1) The Legislature shall not pass local or special laws in any of the following cases; ~~that is to say:~~

- (a) ~~Granting~~ For granting divorces; -
- (b) Changing the names of persons or places; -
- (c) Laying out, opening, altering, and working roads or highways; -
- (d) Vacating roads, ~~Town~~ town plats, streets, alleys, and public grounds; -
- (e) Locating or changing ~~County~~ county seats; -
- (f) Regulating ~~County~~ county and ~~Township~~ township offices; -
- (g) Regulating the practice of ~~Courts of Justice~~ courts; -
- (h) Regulating the jurisdiction and duties of ~~Justices of the Peace, Police Magistrates and Constables~~ justices of the peace, police magistrates, and constables;
 - (i) Providing for changes of venue in civil and criminal cases; -
 - (j) Incorporating ~~Cities, Towns and Villages~~ cities, towns, and villages, or changing or amending the charter of any ~~Town, City, or Village~~ town, city, or village;
 - (k) Providing for the election of ~~Officers~~ officers in ~~Townships~~ townships, incorporated ~~Towns~~ towns, or ~~Cities~~ cities;
 - (l) Summoning or empaneling ~~Grand or Petit Juries~~ grand or petit juries;
 - (m) Providing for the bonding of cities, towns, precincts, school districts, or other municipalities; -
 - (n) Providing for the management of ~~Public Schools~~ public schools;
 - (o) The opening and conducting of any election, or designating the place of voting; -
 - (p) The sale or mortgage of real estate belonging to minors, or others under disability; -
 - (q) The protection of game or fish; -
 - (r) Chartering or licensing ferries, or toll bridges, remitting fines, penalties, or forfeitures, creating, increasing, and decreasing fees, percentage, or allowances of public officers, during the term for which said officers are elected or appointed; -
 - (s) Changing the law of descent; -
 - (t) Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose; and -
 - (u) Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; ~~;~~ PROVIDED, that notwithstanding
- (2) Notwithstanding any other provisions provision of this Constitution, the Legislature may shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto.
- (3) Notwithstanding any other provision of this Constitution, the Legislature may define and classify certain groups of persons pertaining to retirement benefits that may be made available at some future time under retirement plans administered by the State of Nebraska.
- (4) In all other cases where a general law can be made applicable, no

special law shall be enacted."

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 authorizing the Legislature to define and classify persons pertaining to future retirement benefits under plans administered by the State of Nebraska.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

LB 32	Wednesday, January 29, 2003	1:30 p.m.
LB 94	Wednesday, January 29, 2003	1:30 p.m.
LB 360	Wednesday, January 29, 2003	1:30 p.m.
LR 4CA	Wednesday, January 29, 2003	1:30 p.m.
LB 143	Thursday, January 30, 2003	1:30 p.m.
LB 144	Thursday, January 30, 2003	1:30 p.m.
LB 164	Thursday, January 30, 2003	1:30 p.m.
LB 142	Thursday, January 30, 2003	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Urban Affairs

Room 1510

LB 52	Tuesday, January 28, 2003	1:30 p.m.
LB 150	Tuesday, January 28, 2003	1:30 p.m.
LB 432	Tuesday, January 28, 2003	1:30 p.m.
LB 97	Tuesday, January 28, 2003	1:30 p.m.
LB 365	Tuesday, January 28, 2003	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Senators Tyson and Mossey filed the following amendment to LB 265:
AM0003

- 1 1. Insert the following new section:
- 2 "Sec. 7. (1) Whenever a permitholder who is carrying a
- 3 concealed handgun is contacted by a peace officer as defined in
- 4 section 49-801, a Game and Parks Commission conservation officer,
- 5 or emergency services personnel, the permitholder shall immediately
- 6 inform the officer or personnel that he or she is carrying a

- 7 concealed handgun.
8 (2)(a) During contact with a permitholder, a peace
9 officer, a conservation officer, or emergency services personnel
10 may secure the handgun or direct that it be secured during the
11 duration of the contact if the peace officer, the conservation
12 officer, or emergency services personnel determines that it is
13 necessary for the safety of any person present, including the peace
14 officer, the conservation officer, or emergency services personnel.
15 The permitholder shall submit to the peace officer's or
16 conservation officer's order to secure the handgun or to an order
17 from emergency services personnel to secure the handgun.
18 (b)(i) When the peace officer or conservation officer has
19 determined that the permitholder is not a threat to the safety of
20 any person present, including the peace officer or conservation
21 officer, and if the permitholder has not committed any other
22 violation that would result in his or her arrest or the suspension
23 or revocation of his or her permit to carry a concealed handgun,
24 the peace officer or conservation officer shall return the handgun
1 to the permitholder before releasing him or her from the scene and
2 breaking contact.
3 (ii) When emergency services personnel have determined
4 that the permitholder is not a threat to the safety of any person
5 present, including emergency services personnel, and if the
6 permitholder is physically and mentally capable of possessing the
7 handgun, the emergency services personnel shall return the handgun
8 to the permitholder before releasing him or her from the scene and
9 breaking contact. If the permitholder is transported for treatment
10 to another location, the handgun shall be turned over to any peace
11 officer or conservation officer.
12 (3) For purposes of this section:
13 (a) Contact with a peace officer or conservation officer
14 means any time a peace officer or conservation officer personally
15 stops, detains, questions, or addresses a permitholder for an
16 official purpose or in the course of such officer's official
17 duties, and contact with emergency services personnel means any
18 time emergency services personnel provide treatment to a
19 permitholder in the course of their official duties; and
20 (b) Emergency services personnel means a volunteer or
21 paid firefighter or rescue squad member or a person certified to
22 provide emergency medical services pursuant to the Emergency
23 Medical Services Act."
24 2. On page 2, line 1, strike "10" and insert "11".
25 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 32. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 389. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 401, LB 430, and LB 474. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 487. No objections. So ordered.

Senator Mossey asked unanimous consent to have his name added as cointroducer to LB 512. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LR 15CA. No objections. So ordered.

WITHDRAW - Cointroducers

Senators Engel and Schimek withdrew their names as cointroducers to LB 124.

VISITORS

Visitors to the Chamber were Chris Dunker from Beatrice High School; Emilie Johnson and Pat and Curt Crandall from Lincoln; and exchange students, Valentina and Javiera Plata, Daniela Abuaud, Barbara Rivera, Maria Jose Corvalon, Virginia Vasquez, and Francisca del Canto from Chile.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Wednesday, January 22, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 22, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 2003

PRAYER

The prayer was offered by Reverend Daryl Lauber, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Engel and Foley who were excused; and Senators Brashear, Brown, Janssen, Maxwell, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 492	Government, Military and Veterans Affairs (rereferred)
LB 496	Revenue
LB 497	Transportation and Telecommunications
LB 498	Transportation and Telecommunications
LB 499	Urban Affairs
LB 500	Transportation and Telecommunications
LB 501	Transportation and Telecommunications
LB 502	Transportation and Telecommunications
LB 503	Government, Military and Veterans Affairs
LB 504	Revenue
LB 505	Revenue
LB 506	Revenue
LB 507	Revenue
LB 508	Revenue

LB 509	Revenue
LB 510	Executive Board
LB 511	Banking, Commerce and Insurance
LB 512	Judiciary
LB 513	Education
LB 514	Nebraska Retirement Systems
LB 515	Judiciary
LB 516	Revenue
LB 517	Revenue
LB 518	Urban Affairs
LB 519	Revenue
LB 520	Revenue
LB 521	Government, Military and Veterans Affairs
LB 522	Judiciary
LB 523	Government, Military and Veterans Affairs
LB 524	Revenue
LB 525	General Affairs
LB 526	Judiciary
LB 527	Natural Resources
LB 528	Judiciary
LB 529	Government, Military and Veterans Affairs
LB 530	Transportation and Telecommunications
LB 531	Transportation and Telecommunications
LB 532	Transportation and Telecommunications
LB 533	General Affairs
LR 19CA	Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems
Room 1525

LB 451 Wednesday, January 29, 2003 12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

Health and Human Services
Room 1510

LB 351	Wednesday, January 29, 2003	1:30 p.m.
LB 121	Wednesday, January 29, 2003	1:30 p.m.
LB 202	Wednesday, January 29, 2003	1:30 p.m.
LB 221	Wednesday, January 29, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs
Room 1507

LB 77	Wednesday, January 29, 2003	1:30 p.m.
LB 88	Wednesday, January 29, 2003	1:30 p.m.
LB 99	Wednesday, January 29, 2003	1:30 p.m.
LB 330	Wednesday, January 29, 2003	1:30 p.m.
LR 16CA	Wednesday, January 29, 2003	1:30 p.m.
LB 114	Thursday, January 30, 2003	1:30 p.m.
LB 153	Thursday, January 30, 2003	1:30 p.m.
LB 236	Thursday, January 30, 2003	1:30 p.m.
LB 257	Thursday, January 30, 2003	1:30 p.m.
LB 331	Thursday, January 30, 2003	1:30 p.m.
LB 13	Friday, January 31, 2003	1:30 p.m.
LB 110	Friday, January 31, 2003	1:30 p.m.
LB 116	Friday, January 31, 2003	1:30 p.m.
LB 345	Friday, January 31, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 68. Placed on General File.

LEGISLATIVE BILL 106. Placed on General File.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 6. 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 7. 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.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 12. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 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 631. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to professional employer organizations; to adopt the Professional Employer Organization Registration Act; and to provide an operative date.

LEGISLATIVE BILL 632. Introduced by Price, 26.

A BILL FOR AN ACT relating to crimes; to amend section 28-101, Revised Statutes Supplement, 2002; to prohibit the sale of dogs or cats under eight weeks; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend sections 54-2406 to 54-2408, Revised Statutes Supplement, 2002; to change provisions relating to fees; and to repeal the original sections.

LEGISLATIVE BILL 634. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to livestock; to adopt the Cattle Feedlot Licensing Act; to create a fund; to provide a penalty; and to provide duties for the Nebraska Brand Committee.

LEGISLATIVE BILL 635. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-3442, and 79-1008.01, Revised Statutes Supplement, 2002; to exempt agricultural personal property from property taxation as prescribed; to increase the maximum school tax levy as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 636. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to grain; to amend sections 75-901, 75-902, 88-525 to 88-528, 88-536, and 89-1,104.01, Reissue Revised Statutes of Nebraska, and sections 75-156 and 75-903, Revised Statutes Supplement, 2002; to change provisions relating to the Public Service Commission, grain warehousemen, grain dealers, and grain moisture measuring devices; to provide for civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 637. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Soil and Water Conservation Act; to amend section 2-1575, Revised Statutes Supplement, 2002; to provide payments for practices to reduce consumptive use of water as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water; to amend section 46-656.50, Revised Statutes Supplement, 2002; to provide intent relating to funding for studies; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 639. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to state funds; to amend sections 39-2215 and 81-15,174, Revised Statutes Supplement, 2002; to transfer money from the Highway Trust Fund to the Nebraska Environmental Trust Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to state funds; to amend sections 2-1587 and 39-2215, Revised Statutes Supplement, 2002; to transfer money from the Highway Trust Fund to the Nebraska Resources Development Fund; and to repeal the original sections.

LEGISLATIVE BILL 641. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2410, Reissue Revised Statutes of Nebraska, and sections 54-2406 to 54-2408, Revised Statutes Supplement, 2002; to change provisions relating to fees and inspections; and to repeal the original sections.

LEGISLATIVE BILL 642. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 2-3225, Reissue Revised Statutes of Nebraska, and sections 13-520 and 77-3442, Revised Statutes Supplement, 2002; to change natural resources districts levy and budget authority; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 643. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403 and 71-6405, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building code and political subdivision powers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 644. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to property tax; to require reports by county assessors.

LEGISLATIVE BILL 645. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to government; to create a preferred purchasing status for calcium-enriched products for governmental units.

LEGISLATIVE BILL 646. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 2002; to provide for examination of records and production of certain agreements; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to political subdivisions; to amend section 39-868, Reissue Revised Statutes of Nebraska, and sections 13-503 and 84-304, Revised Statutes supplement, 2002; to provide powers and duties for bridge commissions; to change provisions relating to the Nebraska Budget Act; to provide for examination of records by the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442, 79-1008.01, and 79-1015.01, Revised Statutes Supplement, 2002; to increase the maximum school tax levy as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 649. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 77-3442, Revised Statutes Supplement, 2002; to authorize exceeding the maximum tax levy as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 650. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to natural gas; to amend sections 19-4617 and 57-705, Revised Statutes Supplement, 2002; to change provisions relating to the Municipal Natural Gas Regulation Revolving Loan Fund; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 651. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4106, Revised Statutes Supplement, 2002; to

disallow refunds of certain sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 652. Introduced by Combs, 32; Bromm, 23; Byars, 30; Connealy, 16; Hartnett, 45; Janssen, 15; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Schimek, 27; Schrock, 38; Stuhr, 24; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to insurance; to require coverage of colorectal cancer screenings as prescribed.

LEGISLATIVE BILL 653. Introduced by Raikes, 25; Byars, 30.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2002; to change provisions relating to state wards' school district of residence; and to repeal the original section.

LEGISLATIVE BILL 654. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to villages; to authorize the incorporation of villages within the boundaries of Native American tribal reservations as prescribed.

LEGISLATIVE BILL 655. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to liens; to amend section 52-118.02, Reissue Revised Statutes of Nebraska, and sections 52-118 and 52-118.01, Revised Statutes Supplement, 2002; to change provisions relating to construction liens; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 656. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to county corrections; to amend section 23-2809, Revised Statutes Supplement, 2002; to change provisions relating to contracts; and to repeal the original section.

LEGISLATIVE BILL 657. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to electricity suppliers; to define terms; to provide for a surcharge and a termination date; and to create and provide for uses of a fund.

LEGISLATIVE BILL 658. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Community Scholarship Foundation Program Act.

LEGISLATIVE BILL 659. Introduced by Maxwell, 9; Stuhr, 24.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-980.01, 85-982, 85-993.01, 85-9,117, 85-9,119, 85-9,129, and 85-9,140, Reissue Revised Statutes of Nebraska; to change provisions relating to allocations under the Scholarship Assistance Program Act, the State Scholarship Award Program Act, and the Postsecondary Education Award Program Act; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 660. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to education; to prohibit unfunded mandates as prescribed.

LEGISLATIVE BILL 661. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to counties; to amend section 23-114.03, Revised Statutes Supplement, 2002; to change provisions relating to zoning regulations; and to repeal the original section.

LEGISLATIVE BILL 662. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-4102, 29-4103, and 29-4106, Revised Statutes Supplement, 2002; to obtain personal identifiers, including fingerprints and DNA, from felony offenders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 663. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 50-401.01, Revised Statutes Supplement, 2002; to change provisions relating to membership on the Executive Board; and to repeal the original section.

LEGISLATIVE BILL 664. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-926 and 81-8,235, Reissue Revised Statutes of Nebraska; to change and provide limits on the amount recoverable from the state and political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 665. Introduced by Mossey, 3; Combs, 32; Quandahl, 31; Smith, 48; Thompson, 14.

A BILL FOR AN ACT relating to counties; to authorize counties to enact ordinances as prescribed; and to provide powers and duties.

LEGISLATIVE BILL 666. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-51,102, Revised Statutes Supplement, 2002; to provide duties for owners of automated external defibrillators; and to repeal the original section.

LEGISLATIVE BILL 667. Introduced by Jensen, 20; Aguilar, 35; Byars, 30.

A BILL FOR AN ACT relating to health and human services; to amend sections 20-127 and 20-129, Reissue Revised Statutes of Nebraska, and sections 71-1,235, 71-507, 71-510, 71-511, 71-514.02, and 81-697, Revised Statutes Supplement, 2002; to provide rights and duties for trainers of dogs for disabled persons; to include public safety officials in disease exposure provisions; to provide a respiratory care licensure exemption; to harmonize infectious disease lists; to eliminate a termination date and obsolete provisions; to repeal the original sections; and to outright repeal sections 79-11,142 to 79-11,149 and 81-6,110, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 668. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103 and 77-4104, Revised Statutes Supplement, 2002; to change employment requirements; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 669. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to crimes; to amend sections 28-451 and 28-452, Revised Statutes Supplement, 2002; to change provisions relating to the possession of anhydrous ammonia, ephedrine, pseudoephedrine, or phenylpropanolamine; and to repeal the original sections.

LEGISLATIVE BILL 670. Introduced by Thompson, 14; Mossey, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 29-4003, Revised Statutes Supplement, 2002; to prohibit the use of a computer as prescribed; to provide penalties; to apply the provisions of the Sex Offender Registration Act to such offender; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to domestic partners; to amend sections 71-4801, 71-4802, and 71-4807, Reissue Revised Statutes of Nebraska, and sections 71-1301 and 71-1339, Revised Statutes Supplement, 2002; to provide powers and duties for domestic partners regarding anatomical gifts and other disposition of remains of deceased persons; to define a

term; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 672. Introduced by Erdman, 47; Baker, 44; Burling, 33; Jones, 43; Kremer, 34; Smith, 48.

A BILL FOR AN ACT relating to schools; to state intent; to require filtering technology on school computers as prescribed; and to provide for immunity.

LEGISLATIVE BILL 673. Introduced by Erdman, 47; Baker, 44; Burling, 33; Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.37, Reissue Revised Statutes of Nebraska; to change requirements for a sales tax exemption; and to repeal the original section.

LEGISLATIVE BILL 674. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2002; to create the offense of child endangerment; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 675. Introduced by Erdman, 47; Jones, 43; Redfield, 12; Smith, 48.

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 676. Introduced by Jensen, 20; Tyson, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3007, Reissue Revised Statutes of Nebraska; to impose a motor vehicle fee on exempt vehicles; and to repeal the original section.

LEGISLATIVE BILL 677. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4101, Revised Statutes Supplement, 2002; to create a review commission; to provide duties; to terminate new applications under the act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 678. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to create the Office of Homeland Security.

LEGISLATIVE BILL 679. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-701.01, 24-707, 24-708, and 24-710, Revised Statutes Supplement, 2002; to change provisions relating to retirement age and benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 680. Introduced by Wehrbein, 2; Baker, 44.

A BILL FOR AN ACT relating to schools; to state intent; to create a commission; to provide duties for the commission; and to declare an emergency.

LEGISLATIVE BILL 681. 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, 2002; to adopt the Security Services Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the enrollment option program; to amend section 79-246, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement for special education costs; and to repeal the original section.

LEGISLATIVE BILL 683. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1105, 85-1108, 85-1412, 85-1604, 85-1620, 85-1621, and 85-1643, Reissue Revised Statutes of Nebraska; to change provisions relating to nonpublic postsecondary educational institutions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 684. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Private Postsecondary Career School Act; to amend sections 85-1603, 85-1604, 85-1620, 85-1622, 85-1640, and 85-1643, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change exemptions; to provide for certain degree programs as prescribed; to change provisions relating to agents, bonds, and fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 685. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Public Elementary and Secondary

Student Fee Authorization Act; to amend sections 79-2,125 to 79-2,127 and 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002; to redefine terms; to change and eliminate provisions relating to fees and charges, donations, school stores, waivers, and policies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-2,128 and 79-2,130, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 686. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to state government; to amend sections 1-111, 2-10,103.02, 2-2651, 8-1,134, 8-1726, 9-226.02, 9-322.01, 9-418.02, 9-621, 9-701, 9-832, 18-1911, 21-19,147, 21-20,169, 29-2708, 33-140.01, 33-140.02, 33-140.03, 44-3,127, 45-716, 45-921, 45-927, 48-1232, 48-2306, 49-1446.04, 57-1105, 60-6,345, 60-1415, 70-604.05, 71-155.03, 71-6314, 71-7426, 72-201.01, 72-222.01, 72-250, 72-251, 72-259, 72-266, 72-267, 72-268, 72-301, 72-502, 72-502.01, 75-158, 75-309.01, 75-369.06, 76-2325, 79-1062, 81-3444, 81-3537, 84-212, 84-616, 85-123, 85-317, and 87-607, Reissue Revised Statutes of Nebraska, and sections 2-1203, 8-1108.01, 19-4617, 28-1204.04, 29-820, 44-322, 44-5814, 45-191.09, 45-351, 45-1017, 46-1239, 46-1240, 48-145.01, 53-138.01, 53-1,104, 54-415, 54-2606, 57-705, 59-1725.01, 66-528, 66-529, 66-530, 68-1037.04, 69-1317, 69-2117, 69-2703, 71-1,147.45, 71-449, 71-1333.01, 71-3517, 71-5304.01, 71-6331, 71-8006, 76-1523, 77-2387, 79-101, 79-1018.01, 79-1035, 79-1035.01, 79-1035.02, 79-1035.03, 79-10,101, 81-5,162, 81-1403, and 86-209, Revised Statutes Supplement, 2002; to change provisions relating to administrative fines; and to repeal the original sections.

LEGISLATIVE BILL 687. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to title insurance; to amend section 44-19,116, Revised Statutes Supplement, 2002; to provide requirements for certain escrow arrangements; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 688. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to provide pay for football players.

LEGISLATIVE BILL 689. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01, 77-202.03, and 77-202.05, Revised Statutes Supplement, 2002; to require valuation of property by tax-exempt organizations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Redfield, 12; Mines, 18;

Quandahl, 31.

A BILL FOR AN ACT relating to natural gas; to amend sections 75-102, 75-110.01, 75-112, 75-118, 75-129, 75-131, and 75-132, Reissue Revised Statutes of Nebraska, and sections 57-705, 57-1302, 59-1617, 75-101, 75-109, 75-122.01, 75-128, 75-139.01, and 84-612, Revised Statutes Supplement, 2002; to adopt the State Natural Gas Regulation Act; to repeal the Municipal Natural Gas Regulation Act; to create and eliminate funds; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 19-4601 to 19-4616, and 19-4618 to 19-4623, Reissue Revised Statutes of Nebraska, and section 19-4617, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 691. Introduced by Preister, 5.

A BILL FOR AN ACT relating to Native Americans; to amend sections 13-1501, 13-1502, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to the State-Tribal Cooperative Agreements Act; to redefine a term; to eliminate a provision relating to preexisting agreements; to change the distribution of a portion of the sales tax revenue; to create a fund; to provide funding for law enforcement in certain unincorporated areas; to provide an operative date; to harmonize provisions; to repeal the original sections; and to outright repeal section 13-1509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 692. Introduced by Preister, 5.

A BILL FOR AN ACT relating to energy; to amend section 66-1701, Revised Statutes Supplement, 2002; to change a termination date for the Biopower Steering Committee; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Unfair Insurance Trade Practices Act; to amend section 44-1525, Revised Statutes Supplement, 2002; to prohibit discrimination based upon credit history as prescribed; and to repeal the original section.

LEGISLATIVE BILL 694. Introduced by Preister, 5.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1429.01 and 28-1429.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the dispensing of cigarettes or other tobacco products; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 695. Introduced by Preister, 5.

A BILL FOR AN ACT relating to crimes and punishments; to amend

sections 28-1429.01 and 28-1429.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the dispensing of cigarettes or other tobacco products; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 696. Introduced by Thompson, 14; Hartnett, 45.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-486, 66-678, and 66-6,113, Revised Statutes Supplement, 2002; to change the collection commission allowed for collecting motor fuel taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 697. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-106, 75-150, 75-305, 75-307.01, 75-384, 75-401, 75-402, 75-405, 88-527, 88-545.01, 88-551, 89-1,104, and 89-1,104.01, Reissue Revised Statutes of Nebraska, and sections 71-1559, 71-4604.01, 75-109.01, 75-128, 75-903, 86-101, 86-250, 86-312, 86-324, 86-463, and 86-579, Revised Statutes Supplement, 2002; to state intent regarding agency funding; to create a fund; to change provisions relating to the establishment and disbursement of fees; to provide duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 698. Introduced by Education Committee: Raikes, 25, Chairperson; Bourne, 8; Byars, 30; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 to 79-1003, 79-1007.01, 79-1007.02, 79-1008.01, 79-1008.02, 79-1009, 79-1010, 79-1015.01, 79-1016, 79-1028, and 79-1083.03, Revised Statutes Supplement, 2002; to add, change, and eliminate provisions and dates relating to the state aid formula; to state intent; to define and redefine terms; to provide for additional allowances for calculation of state aid as prescribed; to change provisions relating to excess budget authority for Class I districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 699. Introduced by Landis, 46.

A BILL FOR AN ACT relating to courts; to amend sections 25-2921 and 29-2709, Revised Statutes Supplement, 2002; to provide a dispute resolution fee; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by Landis, 46.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend sections 60-133, 60-311.10, 60-325, 60-336, 60-6,219, 60-6,244, 60-6,254,

60-6,255, 60-6,263, 60-6,266, 60-6,278, 60-6,279, 60-6,306 to 60-6,308, 60-6,355, and 60-3007, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-310, 60-311, 60-311.02, 60-311.11, 60-311.14, 60-462, 60-479, 60-480, 60-4,115, 60-4,123, 60-4,124, 60-4,182, 60-501, 60-601, 60-605, 60-678, 60-6,144, 60-6,226, 60-6,267, and 60-3004, Revised Statutes Supplement, 2002; to provide for certificates of title and registration of all-terrain vehicles for onroad use; to provide for fees and taxes; to provide equipment regulations and use restrictions; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Landis, 46.

A BILL FOR AN ACT relating to labor; to amend sections 48-1119 and 48-1125, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings before the Equal Opportunity Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702. Introduced by Landis, 46.

A BILL FOR AN ACT relating to midwives; to amend section 71-1753, Reissue Revised Statutes of Nebraska; to change provisions relating to location of authorized practice; and to repeal the original section.

LEGISLATIVE BILL 703. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 50-401.01, Revised Statutes Supplement, 2002; to change provisions relating to membership on the Executive Board of the Legislative Council; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to artisan's liens; to amend section 52-201, Reissue Revised Statutes of Nebraska; to provide for an additional fee; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1201, Revised Statutes Supplement, 2002; to change personal property tax assessment date provisions; and to repeal the original section.

LEGISLATIVE BILL 706. Introduced by Johnson, 37; Bourne, 8.

A BILL FOR AN ACT relating to the State Highway Commission; to amend section 39-1101, Reissue Revised Statutes of Nebraska; to authorize legislative ex officio members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 707. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to election commissioners; to amend section 32-208, Revised Statutes Supplement, 2002; to change restrictions on being a candidate for elective office; and to repeal the original section.

LEGISLATIVE BILL 708. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to investment of state funds; to amend sections 72-1244, 72-1248, 72-1251, 72-1253, and 72-1254, Reissue Revised Statutes of Nebraska; to change and provide duties for the State Treasurer and the state investment officer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 709. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to health care; to amend section 81-3001, Reissue Revised Statutes of Nebraska; to provide duties relating to mandates; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 710. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 29-3705, 43-248, 43-254.01, 53-1,120, 71-5016, 71-5021 to 71-5024, 71-5028, 71-5030, 71-5031, 71-5034, 71-5037, 71-5038, 71-5039, 71-5040, 83-227.01, 83-363, 83-364, 83-367, 83-370, 83-371, 83-375, 83-377, 83-379, 83-1002, 83-1004, 83-1007, 83-1007.01, 83-1009, 83-1010, 83-1011, 83-1014, 83-1017, 83-1020, 83-1027, 83-1035, 83-1038, 83-1039, 83-1041 to 83-1046, 83-1052 to 83-1054, 83-1056, 83-1057, 83-1060, 83-1065, 83-1067, 83-1068, 83-1070, 83-1071, 83-1073, 83-1078, 83-1079, and 83-1080, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-247, 43-250, 71-5027, 71-5033, 71-7611.01, 83-1019, 83-1023, 83-1024, 83-1026, 83-1047 to 83-1049, 83-1055, 83-1058, 83-1061, 83-1062, 83-1064, 83-1066, and 83-1069, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to mental health commitments; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-312, 83-318, 83-321, 83-324, 83-336, 83-337, 83-349, 83-350, 83-351, 83-1001, 83-1005, 83-1006, 83-1009.01, 83-1009.02, 83-1012, 83-1018, 83-1021, 83-1022, 83-1028, 83-1029, 83-1036, 83-1037, and 83-1040, Reissue Revised Statutes of Nebraska, and sections 83-1003, 83-1008, 83-1013, 83-1015, 83-1016, and 83-1025, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 711. Introduced by Thompson, 14.

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

Reissue Revised Statutes of Nebraska; to change provisions relating to medical liens; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 712. Introduced by Johnson, 37; Aguilar, 35; Erdman, 47; Kremer, 34; Smith, 48.

A BILL FOR AN ACT relating to highways; to amend sections 39-201.01, 39-202, 39-212, 39-213 to 39-215, 39-219 to 39-222, and 69-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to advertising signs, displays, or devices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 713. Introduced by Stuthman, 22; Hudkins, 21.

A BILL FOR AN ACT relating to collection of taxes; to amend section 77-1707, Reissue Revised Statutes of Nebraska, and section 77-1706, Revised Statutes Supplement, 2002; to change provisions relating to receipts issued by the county treasurer; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to diseases; to amend section 71-519, Revised Statutes Supplement, 2002; to provide for infant metabolic disease screening test refusal; and to repeal the original section.

LEGISLATIVE BILL 715. 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 716. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend, 10; Janssen, 15; Landis, 46.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to change provisions relating to ownership interests; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 717. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend, 10; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to villages; to provide procedures for loss of status due to a population decrease; and to provide powers and duties.

LEGISLATIVE BILL 718. Introduced by Urban Affairs Committee:

Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend, 10; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to villages; to amend sections 17-201 and 17-201.01, Reissue Revised Statutes of Nebraska; to change provisions relating to incorporation; to provide and change powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend, 10; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to handicapped parking; to amend section 18-1741.02, Reissue Revised Statutes of Nebraska, and sections 18-1738 and 18-1741, Revised Statutes Supplement, 2002; to change provisions for application for parking permits for handicapped or disabled persons; to increase fines for violations; and to repeal the original sections.

LEGISLATIVE BILL 720. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend, 10; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to the Transit Authority Law; to amend sections 14-1801, 14-1803, 14-1813, 14-1820, 14-1821, and 14-1823, Reissue Revised Statutes of Nebraska, and section 14-1805, Revised Statutes Supplement, 2002; to change provisions relating to transit authority jurisdiction and board membership; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 721. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend, 10; Janssen, 15; Landis, 46; Schimek, 27.

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 authorize the creation of service fee funds; to eliminate a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 722. Introduced by Landis, 46; D. Pederson, 42; Wehrbein, 2.

A BILL FOR AN ACT relating to courts; to amend sections 33-103, 33-106, 33-106.02, 33-123, and 33-124, Reissue Revised Statutes of Nebraska, and section 25-2804, Revised Statutes Supplement, 2002; to change provisions relating to court fees; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public assistance; to adopt the Nebraska Medicaid Reform Act.

LEGISLATIVE BILL 724. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Nebraska Behavioral Health Reform Act; and to provide a termination date.

LEGISLATIVE BILL 725. Introduced by Vrtiska, 1; Burling, 33.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-146.03, Reissue Revised Statutes of Nebraska, and section 48-120, Revised Statutes Supplement, 2002; to change provisions relating to medical services and right to select physician; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Loudon, 49; Aguilar, 35; Baker, 44; Beutler, 28; Burling, 33; Erdman, 47; Friend, 10; Mines, 18; Quandahl, 31; Schrock, 38; Stuthman, 22; Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1254 and 81-1255, Reissue Revised Statutes of Nebraska; to allow all counties to increase the lodging tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to elections; to amend section 32-939, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 2002; to provide eligibility to register to vote and vote for certain overseas citizens; to provide for absentee voting in certain emergency situations; to provide for acceptance and treatment of certain absentee ballots; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 728. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Film Enhancement Rebate Act; to create a program and fund; to provide powers and duties; to provide a termination date; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 729. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-698, Reissue Revised Statutes of Nebraska; to provide a

penalty for failure to stop and render aid at an accident as prescribed; and to repeal the original section.

LEGISLATIVE BILL 730. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to film production; to create the Nebraska Film Production Jobs Program; to create a fund; and to provide powers and duties.

LEGISLATIVE BILL 731. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103 and 77-4104, Revised Statutes Supplement, 2002; to change employment requirements; and to repeal the original sections.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 732. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to construction contracts; to amend section 76-239.01, Reissue Revised Statutes of Nebraska; to provide restrictions and requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Vrtiska, 1; Burling, 33; Combs, 32.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-138, 48-140, 48-141, 48-177, and 48-1,110, Reissue Revised Statutes of Nebraska, and sections 48-118 and 48-139, Revised Statutes Supplement, 2002; to change provisions relating to third-party claims, lump-sum settlements, and dismissal of a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to natural resources; to amend sections 77-2701, 77-2702.03, and 81-15,176, Revised Statutes Supplement, 2002; to provide a renewable energy sales tax credit for certain electricity generators; to provide a sales and use tax exemption for certain purchases of renewable energy equipment; to provide for grants to support renewable energy projects; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 735. Introduced by Kremer, 34; Baker, 44; Burling, 33; Schrock, 38.

A BILL FOR AN ACT relating to grain; to amend sections 75-901,

75-902, 88-525 to 88-528, 88-536, and 89-1,104.01, Reissue Revised Statutes of Nebraska, and sections 75-156 and 75-903, Revised Statutes Supplement, 2002; to change provisions relating to the Public Service Commission, grain warehousemen, grain dealers, and grain moisture measuring devices; to provide for civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 736. Introduced by Kremer, 34; Baker, 44; Bromm, 23; Erdman, 47; Schrock, 38.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4107 and 77-4108, Reissue Revised Statutes of Nebraska, and sections 77-4103 and 77-4112, Revised Statutes Supplement, 2002; to extend benefits to certain cooperatives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to insurance; to require coverage for certain foods for the treatment of inherited metabolic diseases.

LEGISLATIVE BILL 738. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Wellhead Protection Area Act; to amend section 46-1505, Reissue Revised Statutes of Nebraska; to provide for an abstract of title and notice as prescribed; and to repeal the original section.

LEGISLATIVE BILL 739. Introduced by Baker, 44.

A BILL FOR AN ACT relating to irrigation districts; to amend section 46-122, Revised Statutes Supplement, 2002; to provide for nondelivery of water in certain circumstances as prescribed; to limit immunity; and to authorize adjustment of charges.

LEGISLATIVE BILL 740. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-110, Revised Statutes Supplement, 2002; to change provisions relating to security interests; and to repeal the original section.

LEGISLATIVE BILL 741. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-115 and 60-3009, Reissue Revised Statutes of Nebraska, and sections 60-302, 60-310, and 77-2703, Revised Statutes Supplement, 2002; to authorize the charging of fees for insufficient funds or no-account financial transactions as prescribed by governmental entities; to provide for cancellation of motor vehicle certificates of title and registration

certificates for issuance of such financial transactions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 742. Introduced by Smith, 48; Erdman, 47; Schrock, 38.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1344, Revised Statutes Supplement, 2002; to change provisions relating to production credits; and to repeal the original section.

LEGISLATIVE BILL 743. Introduced by Smith, 48; Baker, 44; Combs, 32; Erdman, 47; McDonald, 41; Schimek, 27.

A BILL FOR AN ACT relating to telephone solicitation; to amend section 75-156, Revised Statutes Supplement, 2002; to adopt the Telephone Solicitation Regulation Act; to provide civil penalties and actions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 744. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.13, Revised Statutes Supplement, 2002; to change provisions for retail sale of property annexed to real estate; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Connealy, 16; Aguilar, 35; Synowiecki, 7.

A BILL FOR AN ACT relating to state government; to adopt a policy toward newcomers to the state.

LEGISLATIVE BILL 746. Introduced by Landis, 46; Aguilar, 35; Byars, 30; Chambers, 11; Connealy, 16; Kruse, 13; Price, 26; Raikes, 25; Schimek, 27; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to housing; to amend sections 20-301, 20-303, 20-317, 20-318, 20-320, 20-321, and 20-322, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to housing discrimination; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real property; to amend section 44-1998, Reissue Revised Statutes of Nebraska, and sections 44-1981 and 44-19,116, Revised Statutes Supplement, 2002; to redefine a term; to prohibit an exception to title insurance policies; to eliminate provisions relating to mortgages, deeds, and other instruments affecting real estate; to change escrow and other audit requirements; to repeal the original

sections; and to outright repeal sections 76-261 to 76-263 and 76-265, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 748. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to livestock waste management; to amend sections 54-2401 and 54-2404, Revised Statutes Supplement, 2002; to state intent; to require financial assurance of the livestock waste control facility permittee; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 749. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Invest Nebraska Act; to amend sections 77-5501, 77-5503, and 77-5536, Revised Statutes Supplement, 2002; to define terms; to require a living wage for employees at the project; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political subdivisions; to amend section 77-3442, Revised Statutes Supplement, 2002; to adopt the Rural Wages Enhancement Act; to create a fund; to provide a tax-lid exception; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 751. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 22-417, 23-2504, 24-345, 24-507 to 24-509, 24-519, 24-520, 24-709, 24-1002, 29-103, 29-403, 29-812, 29-3901, 30-2218, 33-106, 33-106.02, 33-123 to 33-125, 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, 24-703, 24-706, 24-709.02, 30-2402, and 76-723, Revised Statutes Supplement, 2002; 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 change court costs; 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 752. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-178, 48-180, 48-182, and 48-1,110, Reissue Revised Statutes of Nebraska, and sections 48-125, 48-155, 48-156, 48-170, and 48-185,

Revised Statutes Supplement, 2002; to eliminate review by a three-judge panel; to authorize modification of awards and orders by the compensation court; to harmonize provisions; to provide and eliminate operative provisions; to repeal the original sections; and to outright repeal section 48-181, Reissue Revised Statutes of Nebraska, and section 48-179, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 753. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480 and 60-4,124, Revised Statutes Supplement, 2002; to change provisions relating to school permits; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Bromm, 23; Burling, 33; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend section 54-2412, Revised Statutes Supplement, 2002; to state intent; to establish criteria to recognize livestock friendly counties; to change provisions relating to requirements for livestock waste control facilities; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 755. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend sections 81-1107, 81-1108.17, 81-1108.18, 81-1108.20, 81-1108.23, 81-1108.26, 81-1108.32, 81-1108.38, and 81-1108.50 to 81-1108.54, Reissue Revised Statutes of Nebraska, and sections 72-2101, 72-2102, 81-188.01, 81-188.02, and 81-1108.15, Revised Statutes Supplement, 2002; to create the office of the Nebraska Capitol Commission and the position of State Capitol Administrator; to provide and change powers and duties; to create a fund; to define terms; to harmonize provisions; to repeal the original sections; to outright repeal section 81-1108.21, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 756. Introduced by McDonald, 41; Aguilar, 35; Baker, 44; Bourne, 8; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Erdman, 47; Hudkins, 21; Jensen, 20; Johnson, 37; Jones, 43; Kremer, 34; Kruse, 13; Mines, 18; Mossey, 3; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Redfield, 12; Schimek, 27; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Thompson, 14; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to health; to adopt the Cancer Drug Repository Program Act.

LEGISLATIVE BILL 757. Introduced by Brown, 6.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund Act; to amend section 86-322, Revised Statutes Supplement, 2002; to redefine telecommunications company; and to repeal the original section.

LEGISLATIVE BILL 758. Introduced by Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4110 and 77-4113, Reissue Revised Statutes of Nebraska, and sections 77-4104, 77-4105, and 77-4112, Revised Statutes Supplement, 2002; to change investment, employment, and reporting requirements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Brashear, 4; D. Pederson, 42; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.07, 77-2704.24, 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, 77-2702.03, 77-2702.07, 77-2715.02, 77-3442, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, 77-3523, 79-1007.02, and 79-1008.01, Revised Statutes Supplement, 2002; to change income tax, sales and use tax, property tax levy limit, homestead, and school aid provisions; to eliminate a sales tax exemption as prescribed; to change income tax rates; to provide a homestead exemption; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal section 77-2704.38, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 760. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to judicial administration; to amend sections 24-703, 24-707, 24-708, and 29-2709, Revised Statutes Supplement, 2002; to create a fund; to require continuing education and training; to provide for an advisory committee; to increase and provide for fees; to change judges' retirement provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 761. Introduced by Brashear, 4; Quandahl, 31.

A BILL FOR AN ACT relating to the courts; to amend section 24-201.01, Revised Statutes Supplement, 2002; to change judges' salary provisions; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 762. Introduced by Brashear, 4; Baker, 44; Brown, 6; Byars, 30; Combs, 32; Cudaback, 36; Engel, 17; Erdman, 47; Friend, 10; Jensen, 20; Johnson, 37; Jones, 43; Mines, 18; Mossey, 3; D. Pederson, 42; Quandahl, 31; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1446, 49-14,122, 49-14,129, and 49-14,140, Reissue Revised Statutes of Nebraska, and sections 49-1447, 49-1455, 49-1463.01, 49-14,123, and 49-14,124 to 49-14,126, Revised Statutes Supplement, 2002; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601, 32-1602, 32-1605 to 32-1607, 32-1608.01 to 32-1610, 32-1612 to 32-1614, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and sections 32-1603 to 32-1604.01, 32-1608, and 32-1611, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 763. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to bids and bidding; to amend section 81-161, Revised Statutes Supplement, 2002; to provide a preference for Nebraska products, Nebraska-based businesses, and businesses paying Nebraska property taxes; and to repeal the original section.

LEGISLATIVE BILL 764. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,147.36, Revised Statutes Supplement, 2002; to provide for confidentiality for prescribing physicians as prescribed; to provide for enforcement; and to repeal the original section.

LEGISLATIVE BILL 765. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to roads; to amend section 39-1348, Reissue Revised Statutes of Nebraska; to require legislative approval of certain road projects; and to repeal the original section.

LEGISLATIVE BILL 766. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to roads; to require municipalities and counties to acknowledge matching fund obligations.

LEGISLATIVE BILL 767. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to home inspections; to require licensing of home inspectors; to define terms; to provide powers and duties; and to provide an operative date.

LEGISLATIVE BILL 768. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to jails; to state findings and intent; and to provide for medical services copayments for jail inmates as prescribed.

SENATOR VRTISKA PRESIDING

LEGISLATIVE BILL 769. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519, 77-3442, and 79-1028, Revised Statutes Supplement, 2002; to exempt expenditures for school resource officers from levy and expenditure limitations; and to repeal the original sections.

LEGISLATIVE BILL 770. Introduced by Legislative Program Evaluation Committee: Beutler, 28, Chairperson; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to public lettings and contracts; to amend sections 16-321.01, 17-568.02, 48-1503, 73-102, 73-105, 73-203, 73-204, 81-146, 81-161.05, 81-162, 81-1108.16, 81-1166, and 81-1201.13, Reissue Revised Statutes of Nebraska, and sections 60-311, 66-1063, 73-106, 79-2004, 81-145, 81-153, 81-154, 81-154.01, 81-159, 81-161.03, 81-1108, 81-1118, and 81-1118.03, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to public lettings and contracts for personal services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-101.01, 73-101.02, and 73-301 to 73-307, Reissue Revised Statutes of Nebraska, and section 73-101, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 771. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-102, 79-1001, 79-1002, 79-1003, 79-1007.02, 79-1008.01, 79-1009, 79-1022, 79-1026, 79-1028, and 79-1083.03, Revised Statutes Supplement, 2002; to change calculations of state aid under the Tax Equity and Educational Opportunities Support Act; to define and redefine terms; to provide for calculation of certain costs per student; to create and provide duties for a panel; to eliminate the Local Option Tax Control Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-3401, 77-3402, and 77-3404 to 77-3411, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 772. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to civil actions; to authorize recovery of costs, interest, and attorney's fees as part of a settlement.

LEGISLATIVE BILL 773. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend section 72-1239.01, Revised Statutes Supplement, 2002; to authorize

the use of Nebraska-based investment advisers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Kruse, 13; Hartnett, 45; Mines, 18; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-257, 2-3225, 3-504.02, 3-603, 3-605, 12-914, 12-923, 13-1304, 14-1821, 16-702, 16-1019, 16-1038, 17-702, 18-1221, 18-2107, 19-1309, 23-119, 23-224, 23-2909, 23-3552, 23-3616, 31-411.02, 32-559, 35-509, 35-517, 39-1621, 39-1637, 39-1649, 51-501, 71-1629.01, 74-1306, and 85-1536.01, Reissue Revised Statutes of Nebraska, and sections 2-229, 2-229.01, 2-259, 3-504, 3-613, 3-707, 13-303, 13-502, 13-506, 13-508, 13-511, 13-2507, 13-2809, 13-2817, 14-514, 14-1805, 18-2609, 19-3315, 23-125, 23-355.01, 23-501, 29-3933, 35-508, 35-514.02, 51-201, 51-806, 71-1637, 71-1638, 77-1601, 77-1776, 79-4.108, 79-1003, 79-1008.01, 79-1008.02, 79-1015.01, 79-1025, 79-1029, 79-1078, 79-1081, 79-1225, 80-202, 86-582, and 86-585, Revised Statutes Supplement, 2002; to eliminate certain budget and tax levy limitations, freeholder provisions, and advisory councils; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 79-458, Reissue Revised Statutes of Nebraska, and sections 13-518 to 13-522, 13-2808, 77-3442 to 77-3446, 79-1027.01, and 79-1082, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 775. Introduced by Kruse, 13; Baker, 44; Brown, 6; Burling, 33; Combs, 32; Erdman, 47; Hartnett, 45; Hudkins, 21; Jensen, 20; Johnson, 37; Kremer, 34; Mossey, 3; D. Pederson, 42; Quandahl, 31; Redfield, 12; Schimek, 27; Schrock, 38; Stuhr, 24; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-106, 28-306, 60-4.118.06, 60-601, 60-6.196, 60-6.197, 60-6.197.01, and 60-6.198, Revised Statutes Supplement, 2002; to change penalty provisions for Class W misdemeanors, motor vehicle homicide, and habitual offenders; to change and eliminate provisions relating to revoking or suspending an operator's license; to provide for the seizure, forfeiture, and sale of a motor vehicle as prescribed; to provide a duty for prosecutors as prescribed; to create the offense of aggravated driving under the influence; to provide and eliminate penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to economic development; to amend sections 76-901 and 77-4107, Reissue Revised Statutes of Nebraska, and sections 2-5401, 76-903, 77-908, 77-2701, 77-2715.07, 77-2717,

77-2734.03, 77-3806, 77-4104, and 77-4112, Revised Statutes Supplement, 2002; to adopt the Main Street Business Development Law; to eliminate the termination date for the Agricultural Opportunities and Value-Added Partnerships Act; to increase and change distribution of the documentary stamp tax; to provide a small business investment tax credit; to change application fees and recapture provisions; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 2-5412, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 777. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to education; to adopt the Higher Education Opportunities Act.

LEGISLATIVE BILL 778. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to amend sections 79-760 to 79-760.02, Revised Statutes Supplement, 2002; to change provisions relating to statewide assessments and academic standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 779. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water wells; to amend sections 46-606 and 46-1224, Revised Statutes Supplement, 2002; to provide for a water conservation fee; to create and provide for use of a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 780. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Highway Cash Fund; to amend section 66-4,100, Reissue Revised Statutes of Nebraska; to transfer funds to the General Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 781. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the death penalty; to amend sections 28-303, 29-2027, 29-2519, and 29-2524, Reissue Revised Statutes of Nebraska, as amended by sections 3, 7, 10, and 16, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002, and section 29-2523, Revised Statutes Supplement, 2002, as amended by section 15, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to prohibit the application of the death penalty on the basis of race; to provide for a hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 782. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to lotteries and raffles; to amend sections 9-1,103, 9-204, 9-227, 9-323, 9-402 to 9-404, 9-407 to 9-409, 9-412, 9-413, 9-415, 9-419, 9-422, 9-424, 9-426.01 to 9-432, 9-434 to 9-436, 9-607, 9-701, 9-826, 15-258, 16-226, 17-120, 28-1101, 28-1105, 28-1105.01, 28-1113, and 35-901, Reissue Revised Statutes of Nebraska, and sections 2-219, 9-1,101, 9-226, 9-232.01, 9-312, 9-315, 9-322, 9-401, 9-410, 9-418, 9-423, 9-426, 9-620, 14-102, and 17-207, Revised Statutes Supplement, 2002; to rename the Nebraska Lottery and Raffle Act; to repeal the Nebraska Small Lottery and Raffle Act; to change and eliminate provisions relating to licensure and permits; to define and redefine terms; to provide and change powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-411, 9-417.01, 9-433, 9-502 to 9-506, 9-508, 9-510, 9-511, 9-512, and 9-513, Reissue Revised Statutes of Nebraska, and sections 9-425, 9-501, 9-507, 9-509, and 9-511.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 783. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to cigarettes; to amend section 69-2702, Revised Statutes Supplement, 2002; to adopt the Master Settlement Agreement Protection Act; to provide powers and duties; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to public financing; to amend sections 13-808, 13-2530, and 13-2531, Revised Statutes Supplement, 2002; 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 785. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to state intent relating to school district population, grade offerings, and state aid; and to provide duties for the Education Committee of the Legislature.

LEGISLATIVE BILL 786. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to provide for receipt of property as prescribed.

LEGISLATIVE BILL 787. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska, and section 53-124, Revised Statutes Supplement, 2002; to change provisions

relating to retail licenses and hours of sale; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1565, Reissue Revised Statutes of Nebraska; to change provisions relating to execution of judgments; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Synowiecki, 7; Bourne, 8; Connealy, 16; Janssen, 15; Dw. Pedersen, 39; Preister, 5.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2257, Revised Statutes Supplement, 2002; to change provisions relating to probation officers' salaries; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Landis, 46.

A BILL FOR AN ACT relating to natural gas; to amend sections 75-102, 75-110.01, 75-112, 75-118, 75-129, 75-131, 75-132, and 77-2704.13, Reissue Revised Statutes of Nebraska, and sections 57-705, 59-1617, 75-101, 75-109, 75-109.01, 75-122.01, 75-128, 75-130.01, 75-139.01, 77-2701, 77-2702.07, and 84-612, Revised Statutes Supplement, 2002; to adopt the State Natural Gas Regulation Act; to repeal the Municipal Natural Gas Regulation Act; to change sales tax provisions; to provide an excise tax; to create a fund; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 19-4601 to 19-4616 and 19-4618 to 19-4623, Reissue Revised Statutes of Nebraska, and section 19-4617, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 791. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the death penalty; to amend sections 23-3406, 24-1106, 25-1140.09, 27-609, 28-104, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3928, and 55-480, Reissue Revised Statutes of Nebraska, sections 27-803, 29-3920, 29-3922, 29-3929, 29-3930, 29-3931, and 83-4,143, Revised Statutes Supplement, 2002, sections 28-303, 29-1602, 29-1603, 29-2027, and 83-1,105.01, Reissue Revised Statutes of Nebraska, as amended by sections 3, 4, 5, 7, and 17, respectively, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, and sections 28-105, 29-2004, 29-2204, and 29-2261, Revised Statutes Supplement, 2002, as amended by sections 1, 6, 8, and 9, respectively, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to change a penalty from death to maximum of life imprisonment without possibility of parole; 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, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, sections 29-2521.02 and 29-2525, Revised Statutes Supplement, 2002, sections 29-2519, 29-2520, 29-2521, 29-2522, and 29-2524, Reissue Revised Statutes of Nebraska, as amended by sections 10, 11, 12, 14, and 16, respectively, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002, sections 28-105.01 and 29-2523, Revised Statutes Supplement, 2002, as amended by sections 2 and 15, respectively, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002, and section 13, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002.

LEGISLATIVE BILL 792. Introduced by Landis, 46.

A BILL FOR AN ACT relating to natural gas; to amend sections 75-102, 75-110.01, 75-112, 75-118, 75-129, 75-131, and 75-132, Reissue Revised Statutes of Nebraska, and sections 57-705, 59-1617, 75-101, 75-109, 75-109.01, 75-122.01, 75-128, 75-130.01, 75-139.01, and 84-612, Revised Statutes Supplement, 2002; to adopt the Nebraska Natural Gas Regulation Act; to repeal the Municipal Natural Gas Regulation Act; to create a fund; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 19-4601 to 19-4616 and 19-4618 to 19-4623, Reissue Revised Statutes of Nebraska, and section 19-4617, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 793. Introduced by Bromm, 23; Baker, 44.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-101 and 86-102, Revised Statutes Supplement, 2002; to restate intent; to authorize political subdivisions to provide telecommunications service as prescribed; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 22CA. Introduced by Stuhr, 24; Aguilar, 35; Baker, 44; Beutler, 28; Burling, 33; Byars, 30; Combs, 32; Cudaback, 36; Erdman, 47; Friend, 10; Hartnett, 45; Hudkins, 21; Jensen, 20; Johnson, 37; Jones, 43; Kremer, 34; McDonald, 41; Mossey, 3; Quandahl, 31; Redfield, 12; Schimek, 27; Schrock, 38; Smith, 48; Stuthman, 22; Thompson, 14; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

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 10:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually. The long regular session shall commence at 10 a.m. on the fifth Wednesday after the statewide general election, with no more than three legislative days scheduled in December for the purpose of organization unless extended by a vote of four-fifths of all the members of the Legislature, and ; commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. The short regular session shall commence at 10 a.m. on the first Wednesday after the first Monday in January ; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Notwithstanding the provisions of Article III, section 7, of this Constitution, members elected at the statewide general election at which this constitutional amendment passes and the following statewide general election shall begin their terms on the first day of the long regular session and the terms of the members whom they succeed shall terminate on such date. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum. The ; the Legislature shall determine the rules of its proceedings, shall and be the judge of the election, returns, and qualifications of its members, and shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be is absent; or incapacitated; or shall act acts as Governor. 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. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior."

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 starting day of long regular legislative sessions, to restrict the use of certain legislative days, and to change the day legislative terms begin and end.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 23CA. Introduced by Loudon, 49; Aguilar, 35.

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) The Legislature may authorize, regulate, and tax games of chance to be conducted in licensed casinos in every county in the State of Nebraska. 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. The county board of each county may grant licenses to operate casinos in the manner prescribed by the Legislature. Tax proceeds from games of chance authorized pursuant to this subsection shall be used to encourage, promote, and improve tourism throughout the State of Nebraska.

(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, regulate, and tax games of chance to be conducted in casinos licensed by county boards and to provide that the tax proceeds from such games of chance be used for tourism purposes.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 24CA. Introduced by Smith, 48; Combs, 32; Erdman, 47; Landis, 46.

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 add a new section 6 to Article XI, and repeal Article XI, sections 2 to 5:

XI-6 "Municipalities and counties are granted the power and authority, not inconsistent with the laws of this state, to determine their own local affairs and government. The Legislature shall determine which matters are those of statewide concern.

The Legislature may by law delegate its power so that matters of local concern are handled by municipalities and counties without the necessity of further action by the Legislature. The rule or proposition of law that a municipality or county possesses and can exercise only those powers granted in express words is not part of the law of 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 authorize municipalities and counties to exercise greater powers in matters of local concern, with the Legislature to determine which matters are of statewide concern, and to eliminate home rule charters.

For
Against".

Referred to the Reference Committee.

STANDING COMMITTEE REPORTS **Transportation and Telecommunications**

LEGISLATIVE BILL 103. Placed on General File.

LEGISLATIVE BILL 137. Placed on General File.

LEGISLATIVE BILL 182. Placed on General File.

LEGISLATIVE BILL 51. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

Banking, Commerce and Insurance**LEGISLATIVE BILL 70.** Placed on General File.**LEGISLATIVE BILL 71.** Placed on General File.**LEGISLATIVE BILL 107.** Placed on General File.

(Signed) Mark Quandahl, Chairperson

Education**LEGISLATIVE BILL 67.** Placed on General File as amended.

Standing Committee amendment to LB 67:

AM0008

1 1. On page 31, line 25, strike the new matter; and in

2 lines 27 and 28 reinstate the stricken matter.

3 2. On page 32, line 1, reinstate the stricken matter.

(Signed) Ron Raikes, Chairperson

Urban Affairs**LEGISLATIVE BILL 76.** Placed on General File.**LEGISLATIVE BILL 78.** Placed on General File.**LEGISLATIVE BILL 86.** Placed on General File.**LEGISLATIVE BILL 167.** Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS**Judiciary**

Room 1113

LB 18	Wednesday, January 29, 2003	1:30 p.m.
LB 36	Wednesday, January 29, 2003	1:30 p.m.
LB 272	Wednesday, January 29, 2003	1:30 p.m.
LB 300	Wednesday, January 29, 2003	1:30 p.m.
LB 344	Wednesday, January 29, 2003	1:30 p.m.
LB 366	Wednesday, January 29, 2003	1:30 p.m.
LB 427	Wednesday, January 29, 2003	1:30 p.m.
LB 270	Wednesday, January 29, 2003	1:30 p.m.
LB 148	Thursday, January 30, 2003	1:30 p.m.
LB 316	Thursday, January 30, 2003	1:30 p.m.
LB 350	Thursday, January 30, 2003	1:30 p.m.
LB 391	Thursday, January 30, 2003	1:30 p.m.
LB 392	Thursday, January 30, 2003	1:30 p.m.
LB 457	Thursday, January 30, 2003	1:30 p.m.
LB 255	Thursday, January 30, 2003	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Revenue
Room 1524

LR 2CA	Wednesday, January 29, 2003	1:30 p.m.
LB 443	Wednesday, January 29, 2003	1:30 p.m.
LB 448	Wednesday, January 29, 2003	1:30 p.m.
LB 496	Wednesday, January 29, 2003	1:30 p.m.
LR 18CA	Wednesday, January 29, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

MOTIONS - Print in Journal

Senator Tyson filed the following motion to LB 265:

Suspend the rules, Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 265 without further amendment or debate.

Senator Tyson filed the following motion to LB 265:

Suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 265 without further amendment or debate.

Senator Tyson filed the following motion to LB 265:

Suspend the rules, Rule 6, Sections 6, 7 and 8, Rule 7, Sections 3 and 7 so as to allow for final reading of LB 265.

Senator Kremer filed the following motion to LB 478:

That LB 478 be withdrawn pursuant to Rule 5-12.

UNANIMOUS CONSENT - Add Cointroducers

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 86 and LB 111. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 92 and LB 608. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 249. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 316. No objections. So ordered.

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 348 and LB 462. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 570. No objections. So ordered.

VISITORS

Visitors to the Chamber were Nebraska Equipment Dealers from across the state.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Friend, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 23, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 2003

PRAYER

The prayer was offered by Pastor Jose Flores, Zion-Peace 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 Senator Foley who was excused; and Senators Brashear, Hudkins, Landis, Maxwell, and Synowiecki 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 the following report:

LB/LR	Committee
LB 228	Government, Military and Veterans Affairs (rereferred)
LB 534	Education
LB 535	Judiciary
LB 536	General Affairs
LB 537	Government, Military and Veterans Affairs
LB 538	General Affairs
LB 539	Revenue
LB 540	Revenue
LB 541	Education
LB 542	Judiciary
LB 543	Revenue
LB 544	Nebraska Retirement Systems
LB 545	Revenue
LB 546	Health and Human Services

LB 547	Judiciary
LB 548	Government, Military and Veterans Affairs
LB 549	Urban Affairs
LB 550	Government, Military and Veterans Affairs
LB 551	Government, Military and Veterans Affairs
LB 552	Transportation and Telecommunications
LB 553	Transportation and Telecommunications
LB 554	Government, Military and Veterans Affairs
LB 555	Revenue
LB 556	Education
LB 557	Appropriations
LB 558	Business and Labor
LB 559	Transportation and Telecommunications
LB 560	Transportation and Telecommunications
LB 561	Transportation and Telecommunications
LB 562	Transportation and Telecommunications
LB 563	Transportation and Telecommunications
LB 564	Revenue
LB 565	Government, Military and Veterans Affairs
LB 566	Judiciary
LB 567	Government, Military and Veterans Affairs
LB 568	Government, Military and Veterans Affairs
LB 569	Appropriations
LB 570	Appropriations
LB 571	Revenue
LB 572	Revenue
LB 573	Education
LB 574	Education
LB 575	Education
LB 576	Revenue
LB 577	Revenue
LB 578	Revenue
LB 579	Revenue
LB 580	Revenue
LB 581	Revenue
LB 582	Government, Military and Veterans Affairs
LB 583	Government, Military and Veterans Affairs
LB 584	Government, Military and Veterans Affairs
LB 585	Business and Labor
LB 586	Business and Labor
LB 587	Revenue
LB 588	Banking, Commerce and Insurance
LB 589	Judiciary
LB 590	Revenue
LB 591	Judiciary
LB 592	Revenue
LB 593	Judiciary
LB 594	Health and Human Services
LB 595	Revenue

LB 596	Revenue
LB 597	Education
LB 598	Executive Board
LB 599	Health and Human Services
LB 600	Banking, Commerce and Insurance
LB 601	Revenue
LB 602	Judiciary
LB 603	Government, Military and Veterans Affairs
LB 604	Judiciary
LB 605	Government, Military and Veterans Affairs
LB 606	General Affairs
LB 607	Government, Military and Veterans Affairs
LB 608	Revenue
LB 609	Transportation and Telecommunications
LB 610	Judiciary
LB 611	Health and Human Services
LB 612	Transportation and Telecommunications
LB 613	Judiciary
LB 614	Judiciary
LB 615	Urban Affairs
LB 616	Banking, Commerce and Insurance
LB 617	Judiciary
LB 618	Natural Resources
LB 619	Natural Resources
LB 620	Revenue
LB 621	Revenue
LB 622	Revenue
LB 623	Revenue
LB 624	Natural Resources
LB 625	Judiciary
LB 626	Government, Military and Veterans Affairs
LB 627	Appropriations
LB 628	Judiciary
LB 629	Judiciary
LB 630	Banking, Commerce and Insurance
LR 20CA	Judiciary
LR 21CA	Nebraska Retirement Systems

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 68. Title read. Considered.

SPEAKER BROMM PRESIDING

Advanced to E & R for review with 38 ayes, 0 nays, 5 present and not

voting, and 6 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Advanced to E & R for review with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

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

Advanced to E & R for review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

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

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 182. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 70. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senators Schimek and Price asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 488	Thursday, January 30, 2003	1:30 p.m.
LB 434	Thursday, January 30, 2003	1:30 p.m.
LB 543	Thursday, January 30, 2003	1:30 p.m.
LB 400	Thursday, January 30, 2003	1:30 p.m.
LB 504	Thursday, January 30, 2003	1:30 p.m.
LB 524	Thursday, January 30, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

Health and Human Services
Room 1510

LB 173	Thursday, January 30, 2003	1:30 p.m.
LB 411	Thursday, January 30, 2003	1:30 p.m.
LB 450	Thursday, January 30, 2003	1:30 p.m.
LB 239	Thursday, January 30, 2003	1:30 p.m.
LB 390	Friday, January 31, 2003	1:30 p.m.
LB 56	Friday, January 31, 2003	1:30 p.m.
LB 380	Friday, January 31, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Natural Resources
Room 1525

LB 123	Friday, January 31, 2003	1:30 p.m.
LB 183	Friday, January 31, 2003	1:30 p.m.
LB 527	Friday, January 31, 2003	1:30 p.m.

(Signed) Ed Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 117:
AM0030

- 1 1. On page 2, line 27, after "System" insert " ,
- 2 segregating that portion of the commission recapture relating to
- 3 retirement funds,".
- 4 2. On page 3, line 3, after "fund" insert " , other than
- 5 that portion of the commission recapture relating to retirement
- 6 funds"; and in line 5 after "fund" insert " , other than that
- 7 portion of the commission recapture relating to retirement funds,".
- 8 3. On page 7, line 21, after "paid" insert "by mail"; in
- 9 line 22 after "mail" insert "that includes payments to the state";
- 10 in line 23 after the period insert "The State Treasurer shall
- 11 immediately provide to each state agency an electronic copy of all
- 12 checks and other documents received in a format compatible with the
- 13 agency's computer system and shall develop a plan for distribution
- 14 of paper copies of the documents."; and in line 25 strike "State
- 15 Treasurer" and insert "treasurer".

Senator Brown filed the following amendment to LB 119:
AM0028

- 1 1. On page 7, strike lines 4 through 8 and insert:
- 2 " (4)(a) The department shall have authority over the use,
- 3 retention, and disposal of blood specimens and all related
- 4 information collected during the course of newborn screening.

- 5 (b) The department shall develop procedures governing
 6 retention and disposal of blood specimens, which shall:"; in line
 7 13 after the semicolon insert "and"; and strike beginning with the
 8 semicolon in line 15 through line 28 and insert: "
 9 (c) The department shall develop procedures governing the
 10 use of blood specimens, portions of blood specimens, and related
 11 information during the retention period following completion of the
 12 newborn screening tests. All uses during the retention period
 13 shall have a public health purpose and shall be in compliance with
 14 the Standards for Privacy of Individually Identifiable Health
 15 Information, the federal common rule, and 45 C.F.R. part 46, as
 16 such regulations existed on January 1, 2003. If the department
 17 elects to consider research proposals from investigators other than
 18 the department or its agents or contractors, the department may
 19 charge a reasonable fee for evaluating the research proposal and,
 20 if approved, may charge a reasonable fee for preparing and
 21 supplying specimens in compliance with the Standards for Privacy of
 22 Individually Identifiable Health Information, the federal common
 23 rule, and 45 C.F.R. part 46, as such regulations existed on January
 24 1, 2003."
 1 2. Strike the new matter beginning on page 8, line 1,
 2 through page 9, line 2.

RESOLUTION

LEGISLATIVE RESOLUTION 25. Introduced by Preister, 5.

WHEREAS, Mathew Paul Kaipust has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Mathew Paul Kaipust is a member of Boy Scout Troop 76 of the Lewis and Clark District of Omaha; and

WHEREAS, for his Eagle Scout project, Mathew Paul Kaipust renovated a large equipment shed and maintenance garage at St. Thomas More Elementary School by power washing, priming, and painting and was responsible for securing paint and supplies and coordinating volunteer scouts to complete the project; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Mathew Paul Kaipust 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 Mathew Paul Kaipust on February 9, 2003, at which time Mathew will be presented with the Eagle Scout Badge.

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

1. That the Legislature commends Mathew Paul Kaipust for his dedication, perseverance, and hard work in his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community

service efforts in Omaha.

2. That a copy of this resolution be sent to Mathew Paul Kaipust.

Laid over.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 242. Placed on General File.

LEGISLATIVE BILL 245. Placed on General File.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 40. Placed on General File.

LEGISLATIVE BILL 69. Placed on General File.

LEGISLATIVE BILL 83. Placed on General File.

LEGISLATIVE BILL 92. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 306. Placed on General File.

LEGISLATIVE BILL 122. Placed on General File as amended.
Standing Committee amendment to LB 122:

AM0017

1 1. On page 2, lines 8 and 12, after the period insert

2 "The commission shall establish such fees by the adoption and
3 promulgation of rules and regulations.".

LEGISLATIVE BILL 96. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 71. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 107. Title read. Considered.

Senator Chambers offered the following motion:
Indefinitely postpone.

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

SENATOR CUDABACK PRESIDING

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Jensen 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 advancement of the bill.

Voting in the affirmative, 38:

Aguilar	Cunningham	Jones	Pedersen, Dw.	Stuthman
Baker	Engel	Kremer	Pederson, D.	Synowiecki
Bourne	Erdman	Kruse	Preister	Thompson
Bromm	Friend	Landis	Quandahl	Tyson
Brown	Hartnett	Maxwell	Raikes	Vrtiska
Burling	Janssen	McDonald	Schrock	Wehrbein
Byars	Jensen	Mines	Smith	
Connealy	Johnson	Mossey	Stuhr	

Voting in the negative, 4:

Chambers	Louden	Redfield	Schimek

Present and not voting, 3:

Beutler	Combs	Cudaback

Absent and not voting, 1:

Hudkins

Excused and not voting, 3:

Brashear	Foley	Price

Advanced to E & R for review with 38 ayes, 4 nays, 3 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Aguilar, Brown, Hudkins, and Redfield asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 67. Title read. Considered.

The Standing Committee amendment, AM0008, found on page 275, was considered.

Senators Bourne, Erdman, Schrock, and Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Raikes offered the following amendment:
AM0027

- 1 1. Insert the following new sections:
- 2 "Sec. 11. Section 79-1007.02, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 79-1007.02. For state aid calculated for school fiscal
- 5 year 1998-99 and each school fiscal year thereafter:
- 6 (1) Using data from the annual financial reports for the
- 7 second school fiscal year immediately preceding the school fiscal
- 8 year in which aid is to be paid, the annual statistical summary
- 9 reports for the school fiscal year immediately preceding the school
- 10 fiscal year in which aid is to be paid, the fall membership reports
- 11 and supplements thereto for the school fiscal year immediately
- 12 preceding the school fiscal year in which aid is to be paid, and
- 13 the school district census as reported under sections 79-524 and
- 14 79-578 for the second school fiscal year preceding the school
- 15 fiscal year in which aid is to be paid, the department shall divide
- 16 the local systems into three cost groupings prior to the
- 17 certification of state aid based upon the following criteria:
- 18 (a) The very sparse cost grouping will consist of local
- 19 systems that have (i)(A) less than one-half student per square mile
- 20 in each county in which each high school attendance center is
- 21 located, based on the school district census, (B) less than one
- 22 formula student per square mile in the local system, and (C) more
- 23 than fifteen miles between the high school attendance center and
- 24 the next closest high school attendance center on paved roads or
- 1 (ii)(A) more than four hundred fifty square miles in the local
- 2 system, (B) less than one-half student per square mile in the local
- 3 system, and (C) more than fifteen miles between each high school
- 4 attendance center and the next closest high school attendance
- 5 center on paved roads;
- 6 (b) The sparse cost grouping will consist of local
- 7 systems that do not qualify for the very sparse cost grouping but
- 8 which meet the following criteria:
- 9 (i)(A) Less than two students per square mile in the

10 county in which each high school is located, based on the school
11 district census, (B) less than one formula student per square mile
12 in the local system, and (C) more than ten miles between each high
13 school attendance center and the next closest high school
14 attendance center on paved roads;

15 (ii)(A) Less than one and one-half formula students per
16 square mile in the local system and (B) more than fifteen miles
17 between each high school attendance center and the next closest
18 high school attendance center on paved roads;

19 (iii)(A) Less than one and one-half formula students per
20 square mile in the local system and (B) more than two hundred
21 seventy-five square miles in the local system; or

22 (iv)(A) Less than two formula students per square mile in
23 the local system and (B) the local system includes an area equal to
24 ninety-five percent or more of the square miles in the largest
25 county in which a high school attendance center is located in the
26 local system; and

27 (c) The standard cost grouping will consist of local

1 systems that do not qualify for the very sparse or the sparse cost
2 groupings.

3 For purposes of subdivision (1) of this section, if a

4 local system did not operate and offer instruction in grades nine
5 through twelve within the boundaries of the local system during the
6 school fiscal year immediately preceding the school fiscal year in
7 which aid is to be paid, the local system shall not be considered
8 to have a high school attendance center;

9 (2) The department shall calculate the average formula
10 cost per student in each cost grouping by dividing the total
11 estimated general fund operating expenditures for the cost grouping
12 by the total adjusted formula students for all local systems in the
13 cost grouping. For the calculation of state aid for school fiscal
14 year 1999-00 and for each school fiscal year thereafter, the
15 average formula cost per student in each cost grouping shall not be
16 recalculated for the final calculation of state aid pursuant to
17 section 79-1065. The calculation of total adjusted formula
18 students for purposes of this subdivision shall take into account
19 the requirements of subsection (2) of section 79-1007.01. The
20 total estimated general fund operating expenditures for the cost
21 grouping is equal to the total adjusted general fund operating
22 expenditures for all local systems in the cost grouping multiplied
23 by a cost growth factor. The cost growth factor for each cost
24 grouping is equal to the sum of: (a) One; plus (b) the product of
25 two times the ratio of the difference between the formula students
26 attributable to the cost grouping without weighting or adjustment
27 pursuant to section 79-1007.01 and the sum of the average daily
1 membership plus tuitioned students attributable to the cost
2 grouping for the most recently available complete data year divided
3 by the average daily membership plus tuitioned students
4 attributable to the cost grouping for the most recently available

5 complete data year, except that the ratio shall not be less than
6 zero; plus (c) the basic allowable growth rate pursuant to section
7 79-1025 for the school fiscal year in which the aid is to be
8 distributed; plus (d) the basic allowable growth rate pursuant to
9 section 79-1025 for the school fiscal year immediately preceding
10 the school fiscal year in which the aid is to be distributed; plus
11 (e) one-half of any additional growth rate allowed by special
12 action of school boards for the school fiscal year in which the aid
13 is to be distributed as determined for the school fiscal year
14 immediately preceding the school fiscal year when aid is to be
15 distributed; plus (f) one-half of any additional growth rate
16 allowed by special action of the school boards for the school
17 fiscal year immediately preceding the school fiscal year when the
18 aid is to be distributed;

19 (3) For all school fiscal years except school fiscal
20 years 2002-03, 2003-04, or 2004-05, each local system's formula
21 need will be equal to the local system's transportation allowance
22 plus the local system's special receipts allowance plus the product
23 of the local system's adjusted formula students multiplied by the
24 average formula cost per student in the local system's cost
25 grouping. The calculation of total adjusted formula students for
26 purposes of this subdivision shall take into account the
27 requirements of subsection (2) of section 79-1007.01; and

1 (4) For school fiscal years 2002-03, 2003-04, or 2004-05,
2 each local system's formula need shall be calculated by subtracting
3 the temporary aid adjustment factor from the sum of the local
4 system's transportation allowance, the local system's special
5 receipts allowance, and the product of the local system's adjusted
6 formula students multiplied by the average formula cost per student
7 in the local system's cost grouping. The calculation of total
8 adjusted formula students for purposes of this subdivision shall
9 take into account the requirements of subsection (2) of section
10 79-1007.01.

11 Sec. 12. Section 79-1022, Revised Statutes Supplement,
12 2002, is amended to read:

13 79-1022. (1) On or before ~~May 1, 2002~~ February 5, 2003,
14 and on or before February 1 for each year thereafter, the
15 department shall determine the amounts to be distributed to each
16 local system and each district pursuant to the Tax Equity and
17 Educational Opportunities Support Act and shall certify the amounts
18 to the Director of Administrative Services, the Auditor of Public
19 Accounts, and each district. The amount to be distributed to each
20 district from the amount certified for a local system shall be
21 proportional based on the weighted formula students attributed to
22 each district in the local system. On or before ~~May 1, 2002~~
23 February 5, 2003, and on or before February 1 for each year
24 thereafter, the department shall report the necessary funding level
25 to the Governor, the Appropriations Committee of the Legislature,
26 and the Education Committee of the Legislature. Certified state aid

27 amounts shall be shown as budgeted non-property-tax receipts and
1 deducted prior to calculating the property tax request in the
2 district's general fund budget statement as provided to the Auditor
3 of Public Accounts pursuant to section 79-1024.

4 (2) Except as provided in subsection (3) of this section
5 and subsection (6) of section 79-1016 and section 79-1033, the
6 amounts certified pursuant to subsection (1) of this section shall
7 be distributed in ten as nearly as possible equal payments on the
8 last business day of each month beginning in September of each
9 ensuing school fiscal year and ending in June of the following
10 year, except that when a school district is to receive a monthly
11 payment of less than one thousand dollars, such payment shall be
12 one lump-sum payment on the last business day of December during
13 the ensuing school fiscal year.

14 (3) For school fiscal year 2002-03, except as provided in
15 subsection (6) of section 79-1016 and section 79-1033, the amounts
16 certified pursuant to subsection (1) of this section shall be
17 distributed according to the payment schedule in this subsection on
18 the last business day of each month listed, except that when a
19 school district is to receive ten thousand dollars or less, such
20 payment shall be one lump-sum payment on the last business day of
21 December. The amount distributed each month shall be equal to the
22 amount certified pursuant to subsection (1) of this section
23 multiplied by the applicable percentage, rounded to the nearest
24 cent. The percentages are:

25 (a) For September, October, November, and December, seven
26 and seven-tenths percent;

27 (b) For January, February, March, and April, ten percent;
1 and

2 (c) For May and June, fourteen and six-tenths percent.

3 Sec. 21. Section 79-1083.02, Revised Statutes

4 Supplement, 2002, is amended to read:

5 79-1083.02. On or before February 5, 2003, and on or
6 before February 1 of each year thereafter, the State Department of
7 Education shall designate a primary high school district for each
8 Class I school district for the following school fiscal year. The
9 primary high school district shall be the one Class II, III, IV, V,
10 or VI school district or the unified system with which the greatest
11 share of the Class I district's assessed valuation is affiliated or
12 of which such share is a part for the school fiscal year
13 immediately preceding the school fiscal year for which the primary
14 high school district determination is made. The department shall
15 certify to all school districts and all county clerks the primary
16 high school district for each Class I district.

17 Sec. 35. Since an emergency exists, this act takes
18 effect when passed and approved according to law."

19 2. On page 17, line 8, after "February" insert "5, 2003,
20 and on or before February" and strike the new matter and reinstate
21 the stricken matter.

- 22 3. On page 18, line 27, strike "February 1", show as
23 stricken, and insert "February 5, 2003, and on or before February 1
24 each year thereafter".
- 25 4. On page 28, lines 4 and 15; and page 29, line 9,
26 strike "February 1", show as stricken, and insert "February 5,
27 2003, and on or before February 1 each year thereafter,".
- 1 5. On page 43, line 26, after the third comma insert
2 "79-1007.02, 79-1022," and after the last comma insert
3 "79-1083.02,".
- 4 6. Renumber the remaining sections accordingly.

The Raikes amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Senator McDonald asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 86:
FA1146

Any ordinance enacted pursuant to this subsection shall be a general ordinance which shall not exclude or give preference to any individual or the members of any organization, association or group. Any ordinance whose terms or provisions do not strictly comply with this subsection is void.

UNANIMOUS CONSENT - Add Cointroducers

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 58. No objections. So ordered.

Senators Combs and Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 115. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 137. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 636. No objections. So ordered.

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 660. No objections. So ordered.

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 754. No objections. So ordered.

Senators Chambers, Landis, Schimek, and Wehrbein asked unanimous consent to have their names added as cointroducers to LB 755. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob Courtney from Crete, Elly Brauning from Geneva, Kathy Stokebrand from DeWitt, and Malon Kenne from Shickley.

ADJOURNMENT

At 12:09 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Friday, January 24, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 24, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 2003

PRAYER

The prayer was offered by Senator Jones.

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 Senators Landis and Stuthman who were excused; and Senators Brashear, Bromm, Byars, Cunningham, Foley, Quandahl, Schrock, and Tyson 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 1. Placed on Select File.

LEGISLATIVE BILL 2. Placed on Select File.

LEGISLATIVE BILL 3. Placed on Select File.

LEGISLATIVE BILL 4. Placed on Select File.

LEGISLATIVE BILL 5. Placed on Select File as amended.
AM7000

- 1 1. On page 2, lines 3 and 4, strike "sections 3-201 to
- 2 3-238 and 18-1502", show as stricken, and insert "the Revised
- 3 Airports Act"; in lines 7 and 8 strike "sections 3-201 to 3-238 and
- 4 18-1502", show as stricken, and insert "the act"; and in line 13
- 5 strike the comma.

LEGISLATIVE BILL 6. Placed on Select File as amended.
AM7001

- 1 1. Insert the following new section:

2 "Sec. 3. Section 44-5242, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 44-5242. (1) Health benefit plan shall mean any hospital
5 or medical policy or certificate, major medical expense insurance,
6 or health maintenance organization subscriber contract.
7 (2) Health benefit plan shall not include one or more, or
8 any combination, of the following:
9 (a) Coverage only for accident or disability income
10 insurance, or any combination thereof;
11 (b) Coverage issued as a supplement to liability
12 insurance;
13 (c) Liability insurance, including general liability
14 insurance and automobile liability insurance;
15 (d) Workers' compensation or similar insurance;
16 (e) Automobile medical payment insurance;
17 (f) Credit-only insurance;
18 (g) Coverage for onsite medical clinics; and
19 (h) Other similar insurance coverage, specified in
20 federal regulations, under which benefits for medical care are
21 secondary or incidental to other insurance benefits.
22 (3) Health benefit plan shall not include the following
23 benefits if they are provided under a separate policy, certificate,
24 or contract of insurance or are otherwise not an integral part of
25 the plan:
26 (a) Limited-scope dental or vision benefits;
27 (b) Benefits for long-term care, nursing home care, home
28 health care, community-based care, or any combination thereof; and
29 (c) Such other similar, limited benefits as are specified
30 in federal regulations.
31 (4) Health benefit plan shall not include the following
32 benefits if the benefits are provided under a separate policy,
33 certificate, or contract of insurance, there is no coordination
34 between the provision of the benefits and any exclusion of benefits
35 under any group health benefit plan maintained by the same plan
36 sponsor, and such benefits are paid with respect to an event
37 without regard to whether benefits are provided with respect to
38 such an event under any group health plan maintained by the same
39 plan sponsor:
40 (a) Coverage only for a specified disease or illness; and
41 (b) Hospital indemnity or other fixed indemnity
42 insurance.
43 (5) Health benefit plan shall not include the following
44 if it is offered as a separate policy, certificate, or contract of
45 insurance:
46 (a) Medicare supplemental health insurance as defined
47 under section 1882(g)(1) of the Social Security Act;
48 (b) Coverage supplemental to the coverage provided under
49 10 U.S.C. 5501 et seq. chapter 55, as such chapter existed on
50 January 1, 2003; and

- 27 (c) Similar supplemental coverage provided to coverage
1 under a group health plan."
2 2. On page 1, line 1; and page 7, line 13 after
3 "44-5237.01," insert "44-5242,"
4 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 7. Placed on Select File.

LEGISLATIVE BILL 8. Placed on Select File.

LEGISLATIVE BILL 9. Placed on Select File.

LEGISLATIVE BILL 10. Placed on Select File.

LEGISLATIVE BILL 11. Placed on Select File.

LEGISLATIVE BILL 12. Placed on Select File as amended.
AM7002

- 1 1. On page 1, line 4; and page 2, line 2, strike
2 "79-766" and insert "79-763".

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 19. Placed on General File.

LEGISLATIVE BILL 20. Placed on General File.

LEGISLATIVE BILL 47. Placed on General File.

LEGISLATIVE BILL 48. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

Revenue

LEGISLATIVE BILL 191. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File.

LEGISLATIVE BILL 281. Placed on General File.

LEGISLATIVE BILL 295. Placed on General File.

LEGISLATIVE BILL 293. Indefinitely postponed.

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 14. Placed on General File.

LEGISLATIVE BILL 15. Placed on General File.

LEGISLATIVE BILL 357. Placed on General File.

LEGISLATIVE BILL 358. Placed on General File.

LEGISLATIVE BILL 359. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARING

Judiciary
Room 1113

LB 59	Friday, January 31, 2003	1:30 p.m.
LB 179	Friday, January 31, 2003	1:30 p.m.
LB 267	Friday, January 31, 2003	1:30 p.m.
LB 329	Friday, January 31, 2003	1:30 p.m.
LB 704	Friday, January 31, 2003	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 631	Business and Labor
LB 632	Judiciary
LB 633	Natural Resources
LB 634	Agriculture
LB 635	Revenue
LB 636	Agriculture
LB 637	Natural Resources
LB 638	Natural Resources
LB 639	Appropriations
LB 640	Appropriations
LB 641	Natural Resources
LB 642	Revenue
LB 643	Health and Human Services
LB 644	Revenue
LB 645	Health and Human Services
LB 646	Government, Military and Veterans Affairs
LB 647	Government, Military and Veterans Affairs
LB 648	Revenue
LB 649	Revenue
LB 650	Urban Affairs
LB 651	Revenue
LB 652	Banking, Commerce and Insurance
LB 653	Education
LB 654	Government, Military and Veterans Affairs
LB 655	Judiciary
LB 656	Government, Military and Veterans Affairs
LB 657	Revenue
LB 658	Education
LB 659	Education
LB 660	Education
LB 661	Government, Military and Veterans Affairs

LB 662	Judiciary
LB 663	Executive Board
LB 664	Judiciary
LB 665	Government, Military and Veterans Affairs
LB 666	Health and Human Services
LB 667	Health and Human Services
LB 668	Revenue
LB 669	Judiciary
LB 670	Judiciary
LB 671	Health and Human Services
LB 672	Education
LB 673	Revenue
LB 674	Judiciary
LB 675	Judiciary
LB 676	Revenue
LB 677	Revenue
LB 678	Government, Military and Veterans Affairs
LB 679	Nebraska Retirement Systems
LB 680	Education
LB 681	Judiciary
LB 682	Education
LB 683	Education
LB 684	Education
LB 685	Education
LB 686	Government, Military and Veterans Affairs
LB 687	Banking, Commerce and Insurance
LB 688	Business and Labor
LB 689	Revenue
LB 690	Urban Affairs
LB 691	Revenue
LB 692	Natural Resources
LB 693	Banking, Commerce and Insurance
LB 694	Judiciary
LB 695	Judiciary
LB 696	Revenue
LB 697	Revenue
LB 698	Education
LB 699	Judiciary
LB 700	Transportation and Telecommunications
LB 701	Business and Labor
LB 702	Health and Human Services
LB 703	Executive Board
LB 704	Judiciary
LB 705	Revenue
LB 706	Transportation and Telecommunications
LB 707	Government, Military and Veterans Affairs
LB 708	Nebraska Retirement Systems
LB 709	Health and Human Services
LB 710	Health and Human Services

LB 711	Health and Human Services
LB 712	Transportation and Telecommunications
LB 713	Revenue
LB 714	Health and Human Services
LB 715	Banking, Commerce and Insurance
LB 716	Urban Affairs
LB 717	Urban Affairs
LB 718	Urban Affairs
LB 719	Urban Affairs
LB 720	Urban Affairs
LB 721	Urban Affairs
LB 722	Judiciary
LB 723	Health and Human Services
LB 724	Health and Human Services
LB 725	Business and Labor
LB 726	Revenue
LB 727	Government, Military and Veterans Affairs
LB 728	Revenue
LB 729	Transportation and Telecommunications
LB 730	Business and Labor
LB 731	Revenue
LB 732	Judiciary
LB 733	Business and Labor
LB 734	Revenue
LB 735	Agriculture
LB 736	Revenue
LB 737	Banking, Commerce and Insurance
LB 738	Natural Resources
LB 739	Natural Resources
LB 740	Transportation and Telecommunications
LB 741	Transportation and Telecommunications
LB 742	Revenue
LB 743	Transportation and Telecommunications
LB 744	Revenue
LB 745	Government, Military and Veterans Affairs
LB 746	Judiciary
LB 747	Banking, Commerce and Insurance
LB 748	Natural Resources
LB 749	Revenue
LB 750	Business and Labor
LB 751	Judiciary
LB 752	Business and Labor
LB 753	Transportation and Telecommunications
LB 754	Agriculture
LB 755	Government, Military and Veterans Affairs
LB 756	Health and Human Services
LB 757	Transportation and Telecommunications
LB 758	Revenue
LB 759	Revenue

LB 760	Judiciary
LB 761	Judiciary
LB 762	Government, Military and Veterans Affairs
LB 763	Government, Military and Veterans Affairs
LB 764	Health and Human Services
LB 765	Transportation and Telecommunications
LB 766	Transportation and Telecommunications
LB 767	Health and Human Services
LB 768	Judiciary
LB 769	Revenue
LB 770	Government, Military and Veterans Affairs
LB 771	Education
LB 772	Judiciary
LB 773	Nebraska Retirement Systems
LB 774	Revenue
LB 775	Transportation and Telecommunications
LB 776	Revenue
LB 777	Education
LB 778	Education
LB 779	Natural Resources
LB 780	Appropriations
LB 781	Judiciary
LB 782	General Affairs
LB 783	Revenue
LB 784	Government, Military and Veterans Affairs
LB 785	Education
LB 786	Education
LB 787	General Affairs
LB 788	Judiciary
LB 789	Judiciary
LB 790	Urban Affairs
LB 791	Judiciary
LB 792	Urban Affairs
LB 793	Transportation and Telecommunications
LR 22CA	Executive Board
LR 23CA	General Affairs
LR 24CA	Urban Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Senator D. Pederson filed the following amendment to LB 137:
AM0045

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 60-6,297, Reissue Revised Statutes

4 of Nebraska, is amended to read:

5 60-6,297. The provisions of subdivision (1)(b) of
6 section 60-6,290 and subsections (2) and (3) of section 60-6,294
7 shall not apply when a disabled combination of vehicles is towed if
8 the combination of vehicles, together with the wrecker or tow
9 truck, does not exceed ~~ninety five~~ one hundred thirty feet,
10 inclusive of front and rear bumpers including load. Such exception
11 shall apply only if the disabled combination of vehicles is being
12 towed directly to the nearest place of secure safekeeping. The
13 towing vehicle shall be connected with the air brakes and brake
14 lights of the towed vehicle.

15 Sec. 2. Original section 60-6,297, Reissue Revised
16 Statutes of Nebraska, is repealed.

17 Sec. 3. Since an emergency exists, this act takes effect
18 when passed and approved according to law."

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 23, 2003, 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

Alberts, Dan
Schools, Consortium of

Kelley & Lehan, P.C.
Insurance Auto Auctions, Inc. (Withdrawn 01/21/2003)

McKenzie, Janis M.
Independent Colleges & Universities of Nebraska (AICUN), Association
of

Mills, Jack D.
Risk Management Association, Nebraska Intergovernmental

Obst, Robert E.
Qwest Communications (formerly US West)

Potter, Cara E.
National Association of Chain Drug Stores

Radcliffe, Walter H. of Radcliffe & Associates
Kelley & Lehan, P.C.

REPORTS

The following report was received by the Legislature:

Health and Human Services System

Office of the System Advocate Quarterly Report, October-December, 2002

MOTION - Withdraw LB 478

Senator Kremer renewed his pending motion, found on page 276, to withdraw LB 478.

The Kremer motion to withdraw prevailed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Chambers offered the following motion:
Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 86. Title read. Considered.

Senator Chambers renewed his pending amendment, FA1146, found on page 291.

The Chambers amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:
FA1147

At the end of line 10, page 2 add the following language: ", except minors,"

The Beutler amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Dw. Pedersen moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 22:

Aguilar	Engel	Maxwell	Price	Thompson
Brown	Friend	Mossey	Quandahl	Tyson
Byars	Hartnett	Pedersen, Dw.	Redfield	
Combs	Janssen	Pederson, D.	Schrock	
Connealy	Jensen	Preister	Synowiecki	

Voting in the negative, 20:

Baker	Chambers	Hudkins	Louden	Schimek
Beutler	Cunningham	Johnson	McDonald	Smith
Bromm	Erdman	Kremer	Mines	Stuhr
Burling	Foley	Kruse	Raikes	Wehrbein

Present and not voting, 4:

Bourne	Cudaback	Jones	Vrtiska

Excused and not voting, 3:

Brashear	Landis	Stuthman

Failed to advance to E & R for review with 22 ayes, 20 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 34. Placed on General File.

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 30. Placed on General File as amended.

Standing Committee amendment to LB 30:

AM0048

- 1 1. On page 2, line 5, after the stricken matter insert
- 2 "(1)"; and in line 18 after "fund" insert "."
- 3 (2) When the Attorney General, a county attorney, or a
- 4 private attorney brings an action on behalf of the natural
- 5 resources district to recover a civil penalty under this section,
- 6 the district shall recover the costs of the action, including
- 7 reasonable attorney's fees, if a civil penalty is awarded. Any
- 8 recovered costs of the action, including reasonable attorney's
- 9 fees, shall be remitted to the State Treasurer for credit to the

10 Department of Justice Natural Resources Enforcement Fund if the
 11 action is brought by the Attorney General.
 12 (3) The Department of Justice Natural Resources
 13 Enforcement Fund is created. The fund shall consist of funds
 14 credited pursuant to subsection (2) of this section. Money in the
 15 fund shall be used to pay the salaries and related expenses of the
 16 staff of the Attorney General's office incurred in enforcing this
 17 section. Any money in the fund available for investment shall be
 18 invested by the state investment officer pursuant to the Nebraska
 19 Capital Expansion Act and the Nebraska State Funds Investment Act".

LEGISLATIVE BILL 93. Placed on General File as amended.
 Standing Committee amendment to LB 93:
 AM0049

- 1 1. On page 4, line 12, strike "and pesticide" and show
- 2 as stricken.

(Signed) Ed Schrock, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 68. Placed on Select File as amended.
 AM7003

- 1 1. On page 1, line 7, after the first semicolon insert
- 2 "to harmonize provisions;".

LEGISLATIVE BILL 106. Placed on Select File.

LEGISLATIVE BILL 103. Placed on Select File.

LEGISLATIVE BILL 137. Placed on Select File.

LEGISLATIVE BILL 182. Placed on Select File.

LEGISLATIVE BILL 70. Placed on Select File.

LEGISLATIVE BILL 71. Placed on Select File.

LEGISLATIVE BILL 107. Placed on Select File.

LEGISLATIVE BILL 67. Placed on Select File as amended.
 AM7004

- 1 1. In the Raikes amendment, AM0027, on page 4, line 3,
- 2 after "by" insert "the sum of".
- 3 2. On page 1, line 5, after the first comma insert
- 4 "79-1007.02, 79-1022," and after the last comma insert
- 5 "79-1083.02"; in line 8 after "to" insert "bonds," and after the
- 6 last comma insert "transportation, state aid,"; in line 10 after
- 7 the semicolon insert "to harmonize provisions;" in line 11 strike
- 8 "and"; and in line 15 after "2002" insert "; and to declare an
- 9 emergency".
- 10 3. On page 2, line 11, after "either" insert "of".
- 11 4. On page 23, line 24; and page 24, line 21, strike
- 12 "percentage", show as stricken, and insert "rate".

- 13 5. On page 34, line 11, after "account" insert an
 14 underscored comma.
 15 6. On page 43, line 26, before "79-1024" insert
 16 "79-1023,".

(Signed) Ray Mossey, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 540	Education (rereferred)

(Signed) Pat Engel, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

LB 189	Monday, February 3, 2003	1:30 p.m.
LB 309	Monday, February 3, 2003	1:30 p.m.
LB 471	Monday, February 3, 2003	1:30 p.m.
LB 485	Monday, February 3, 2003	1:30 p.m.
LB 538	Monday, February 10, 2003	1:30 p.m.
LR 6CA	Monday, February 10, 2003	1:30 p.m.
LR 11CA	Monday, February 10, 2003	1:30 p.m.
LR 14CA	Monday, February 10, 2003	1:30 p.m.
LR 23CA	Monday, February 10, 2003	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications

Room 1113

LB 303	Monday, February 3, 2003	1:30 p.m.
LB 559	Monday, February 3, 2003	1:30 p.m.
LB 560	Monday, February 3, 2003	1:30 p.m.
LB 561	Monday, February 3, 2003	1:30 p.m.
LB 562	Monday, February 3, 2003	1:30 p.m.
LB 563	Monday, February 3, 2003	1:30 p.m.
LB 166	Tuesday, February 4, 2003	1:30 p.m.
LB 227	Tuesday, February 4, 2003	1:30 p.m.
LB 321	Tuesday, February 4, 2003	1:30 p.m.
LB 425	Tuesday, February 4, 2003	1:30 p.m.

LB 530	Tuesday, February 4, 2003	1:30 p.m.
LB 531	Tuesday, February 4, 2003	1:30 p.m.
LB 532	Tuesday, February 4, 2003	1:30 p.m.
LB 140	Monday, February 10, 2003	1:30 p.m.
LB 209	Monday, February 10, 2003	1:30 p.m.
LB 296	Monday, February 10, 2003	1:30 p.m.
LB 353	Monday, February 10, 2003	1:30 p.m.
LB 480	Monday, February 10, 2003	1:30 p.m.
LB 481	Monday, February 10, 2003	1:30 p.m.
LB 753	Monday, February 10, 2003	1:30 p.m.
LB 100	Tuesday, February 11, 2003	1:30 p.m.
LB 279	Tuesday, February 11, 2003	1:30 p.m.
LB 609	Tuesday, February 11, 2003	1:30 p.m.
LB 740	Tuesday, February 11, 2003	1:30 p.m.
LB 741	Tuesday, February 11, 2003	1:30 p.m.

(Signed) Tom Baker, Chairperson

Revenue
Room 1524

LB 375	Friday, January 31, 2003	1:30 p.m.
LB 376	Friday, January 31, 2003	1:30 p.m.
LB 479	Friday, January 31, 2003	1:30 p.m.
LB 590	Friday, January 31, 2003	1:30 p.m.
LB 742	Friday, January 31, 2003	1:30 p.m.
LB 324	Friday, January 31, 2003	1:30 p.m.

(Signed) Matt Connealy, Vice Chairperson

AMENDMENT - Print in Journal

Senator Engel filed the following amendment to LB 5:
AM0053

- 1 1. On page 4, lines 6, 12, and 14, reinstate the
- 2 stricken "3-239 and" and before the reinstated "3-239" insert
- 3 "section".

GENERAL FILE

LEGISLATIVE BILL 167. Title read. Considered.

Advanced to E & R for review with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Senators Aguilar and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 242. 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.

LEGISLATIVE BILL 245. Title read. Considered.

Senators Loudon and McDonald asked unanimous consent to be excused. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARINGS**Banking, Commerce and Insurance**

Room 1507

LB 79	Tuesday, February 4, 2003	1:30 p.m.
LB 252	Tuesday, February 4, 2003	1:30 p.m.
LB 362	Tuesday, February 4, 2003	1:30 p.m.
LB 125	Tuesday, February 4, 2003	1:30 p.m.

(Signed) Mark Quandahl, Chairperson

Education

Room 1525

LB 147	Monday, February 3, 2003	1:30 p.m.
LB 152	Monday, February 3, 2003	1:30 p.m.
LB 466	Monday, February 3, 2003	1:30 p.m.
LB 482	Monday, February 3, 2003	1:30 p.m.
LB 658	Monday, February 3, 2003	1:30 p.m.
LB 777	Monday, February 3, 2003	1:30 p.m.

LB 318	Tuesday, February 4, 2003	1:30 p.m.
LB 573	Tuesday, February 4, 2003	1:30 p.m.
LB 574	Tuesday, February 4, 2003	1:30 p.m.
LB 575	Tuesday, February 4, 2003	1:30 p.m.
LB 659	Tuesday, February 4, 2003	1:30 p.m.

(Signed) Ron Raikes, Chairperson

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 306:
AM0058

1. On page 3, line 13, strike "thirty" and show as
2 stricken.
3. On page 12, line 15, strike "twenty" and insert

4 "twelve".

5 3. On page 22, line 18, strike "seventy-eight" and

6 insert "seventy-five".

UNANIMOUS CONSENT - Add Cointroducers

Senators Byars and Vrtiska asked unanimous consent to have their names added as cointroducers to LB 602. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 senior dental hygiene students from UNMC College of Dentistry, Lincoln; Gary Rasmussen from Elba and Willie Skala from Grand Island; and members of the Nebraska Dental Hygienists' Association, dental hygiene students from Central Community College, Hastings, Iowa Western Community College, and Creighton University.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Monday, January 27, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 27, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 2003

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, Cunningham, Maxwell, and Synowiecki who were excused until they arrive.

SPEAKER BROMM PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 76. Placed on Select File as amended.

E & R amendment to LB 76:

AM7005

- 1 1. On page 2, line 11, strike "who", show as stricken,
- 2 and insert "The members of the board".

LEGISLATIVE BILL 167. Placed on Select File.

(Signed) Ray Mossey, Chairperson

NOTICE OF COMMITTEE HEARINGS**Education**

Room 1525

LB 263	Monday, February 10, 2003	1:30 p.m.
LB 372	Monday, February 10, 2003	1:30 p.m.

LR 17CA	Monday, February 10, 2003	1:30 p.m.
LB 534	Monday, February 10, 2003	1:30 p.m.
LB 660	Monday, February 10, 2003	1:30 p.m.
LB 682	Monday, February 10, 2003	1:30 p.m.
LB 698	Tuesday, February 11, 2003	1:30 p.m.
LB 771	Tuesday, February 11, 2003	1:30 p.m.
LB 556	Monday, February 24, 2003	1:30 p.m.
LB 597	Monday, February 24, 2003	1:30 p.m.
LB 680	Monday, February 24, 2003	1:30 p.m.
LB 785	Monday, February 24, 2003	1:30 p.m.
LB 786	Monday, February 24, 2003	1:30 p.m.
LB 249	Tuesday, February 25, 2003	1:30 p.m.
LB 262	Tuesday, February 25, 2003	1:30 p.m.
LB 289	Tuesday, February 25, 2003	1:30 p.m.
LB 417	Tuesday, February 25, 2003	1:30 p.m.
LB 653	Tuesday, February 25, 2003	1:30 p.m.
LB 685	Tuesday, February 25, 2003	1:30 p.m.
LB 264	Monday, March 3, 2003	1:30 p.m.
LB 340	Monday, March 3, 2003	1:30 p.m.
LB 341	Monday, March 3, 2003	1:30 p.m.
LB 683	Monday, March 3, 2003	1:30 p.m.
LB 684	Monday, March 3, 2003	1:30 p.m.
LB 172	Tuesday, March 4, 2003	1:30 p.m.
LB 174	Tuesday, March 4, 2003	1:30 p.m.
LB 513	Tuesday, March 4, 2003	1:30 p.m.
LB 672	Tuesday, March 4, 2003	1:30 p.m.
LB 778	Tuesday, March 4, 2003	1:30 p.m.
LB 246	Monday, March 10, 2003	1:30 p.m.
LB 288	Monday, March 10, 2003	1:30 p.m.
LB 486	Monday, March 10, 2003	1:30 p.m.
LB 540	Monday, March 10, 2003	1:30 p.m.
LB 541	Monday, March 10, 2003	1:30 p.m.

(Signed) Ron Raikes, Chairperson

Nebraska Retirement Systems
Room 1525

LB 320	Wednesday, February 5, 2003	12:15 p.m.
LB 679	Wednesday, February 5, 2003	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for engrossment.

LEGISLATIVE BILL 2. Advanced to E & R for engrossment.

LEGISLATIVE BILL 3. Advanced to E & R for engrossment.

LEGISLATIVE BILL 4. Advanced to E & R for engrossment.

LEGISLATIVE BILL 5. E & R amendment, AM7000, found on page 293, was adopted.

Senator Engel renewed his pending amendment, AM0053, found on page 305.

The Engel amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 6. E & R amendment, AM7001, found on page 293, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 7. Advanced to E & R for engrossment.

LEGISLATIVE BILL 8. Advanced to E & R for engrossment.

LEGISLATIVE BILL 9. Advanced to E & R for engrossment.

LEGISLATIVE BILL 10. Advanced to E & R for engrossment.

LEGISLATIVE BILL 11. Advanced to E & R for engrossment.

LEGISLATIVE BILL 12. E & R amendment, AM7002, found on page 295, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 68. E & R amendment, AM7003, found on page 303, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 106. Advanced to E & R for engrossment.

LEGISLATIVE BILL 103. Advanced to E & R for engrossment.

LEGISLATIVE BILL 137. Senator D. Pederson renewed his pending amendment, AM0045, found on page 299.

The D. Pederson amendment was adopted with 30 ayes, 10 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 182. Advanced to E & R for engrossment.

LEGISLATIVE BILL 70. Advanced to E & R for engrossment.

LEGISLATIVE BILL 71. Advanced to E & R for engrossment.

LEGISLATIVE BILL 67. E & R amendment, AM7004, found on page 303, was adopted.

Senator Beutler offered the following amendment:

AM0043

- 1 1. Strike original section 19 and all amendments
- 2 thereto.
- 3 2. On page 43, line 27, strike "79-1083.03,".
- 4 3. Renumber the remaining sections accordingly.

The Beutler amendment lost with 15 ayes, 18 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 168. Placed on General File.

LEGISLATIVE BILL 385. Placed on General File.

LEGISLATIVE BILL 291. Placed on General File as amended.

Standing Committee amendment to LB 291:

AM0044

- 1 1. On page 13, line 14, strike "values", show as
- 2 stricken, and insert "assessed value, special value, or recapture
- 3 value".
- 4 2. On page 14, line 2, strike "actual" and insert
- 5 "assessed".

LEGISLATIVE BILL 292. Placed on General File as amended.

Standing Committee amendment to LB 292:

AM0032

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 60-3006, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 60-3006. (1) A veteran of the United States Armed Forces
- 5 who qualifies for an exemption from the motor vehicle tax under
- 6 subdivision (2) of section 60-3002 shall apply for the exemption to
- 7 the county treasurer or designated county official pursuant to
- 8 section 23-186 not more than fifteen days before and not later than
- 9 thirty days after the registration date for the motor vehicle. A
- 10 renewal application shall be made annually not sooner than the
- 11 first day of the last month of the registration period or later

12 than the last day of the registration period. The county treasurer
13 or designated county official shall approve or deny the application
14 and notify the applicant of his or her decision within twenty days
15 after the filing of the application. An applicant may appeal the
16 denial of an application to the county board of equalization within
17 twenty days after the date the notice was mailed.

18 (2) An organization which qualifies for an exemption from
19 the motor vehicle tax under subdivision (6) of section 60-3002
20 shall apply for the exemption to the county treasurer or designated
21 county official not more than fifteen days before and not later
22 than thirty days after the registration date for the motor vehicle.
23 For a newly acquired motor vehicle, an application for exemption
24 must be made within thirty days after the purchase date. A renewal
1 application shall be made annually not sooner than the first day of
2 the last month of the registration period or later than the last
3 day of the registration period. The county treasurer or designated
4 county official shall examine the application and recommend either
5 exempt or nonexempt status to the county board of equalization
6 within twenty days after receipt of the application. The county
7 board of equalization, after a hearing on ten days' notice to the
8 applicant and after considering the recommendation of the county
9 treasurer or designated county official and any other information
10 it may obtain, shall approve or deny the exemption on the basis of
11 law and of rules and regulations adopted and promulgated by the
12 Property Tax Administrator. The county board of equalization shall
13 certify its decision to the applicant, ~~and the county treasurer or~~
14 ~~designated county official, and the Property Tax Administrator~~
15 within ten days after the hearing. The decision of the county
16 board of equalization may be appealed to the Tax Equalization and
17 Review Commission.

18 Sec. 8. Section 77-202.02, Revised Statutes Supplement,
19 2002, is amended to read:

20 77-202.02. The county board of equalization, between
21 February 1 and June 1 after a hearing on ten days' notice to the
22 applicant and the publication of notice as provided in section
23 77-202.01, and after considering the recommendation of the county
24 assessor and any other information it may obtain from public
25 testimony, shall grant or withhold tax exemption for the real
26 property or tangible personal property on the basis of law and of
27 regulations promulgated by the Property Tax Administrator. The
1 board shall certify its decision to the applicant, ~~and the county~~
2 ~~assessor, and the Property Tax Administrator~~ within ten days
3 thereafter.

4 For applications accepted after approval of a waiver
5 pursuant to section 77-202.01, the county board of equalization
6 shall hear and certify its decision on or before August 15.

7 Sec. 11. Section 77-1502, Revised Statutes Supplement,
8 2002, is amended to read:

9 77-1502. The county board of equalization shall hold a

10 session of not less than three days, for the purpose of reviewing
11 and deciding the written protests filed pursuant to this section,
12 commencing on June 1 of each year and ending on July 25. Protests
13 shall be filed in triplicate with the board. Protests for real
14 property shall be filed after the assessor's completion of the real
15 property assessment roll as required by section 77-1315 and on or
16 before June 30. Protests for tangible personal property shall be
17 filed on or before the last date for filing the form required by
18 section 77-1229.

19 Attached to each copy of the protest shall be a statement
20 of the reason or reasons why the requested change in assessment
21 should be made or the protest shall be automatically dismissed.
22 The board shall prepare a separate report on each
23 protest, and such report shall include a description of the
24 property described in the protest, the recommendation of the county
25 assessor with respect to the action proposed or taken, the names of
26 witnesses whose testimony was heard in connection with the protest,
27 a summary of their testimony, and a statement by the board of the
1 basis upon which its action was taken. Such report shall identify
2 by name the members of the board favoring the action taken; and be
3 signed by the chairperson of the board, ~~and contain a~~
4 ~~certification that a copy thereof is being mailed to the Property~~
5 ~~Tax Administrator.~~ One copy of the report shall be given to the
6 officer charged with the duty of preparing the tax list, and such
7 officer shall have no authority to make a change in the values
8 prepared and submitted by the county assessor until such report is
9 in his or her possession, completed, signed, and certified in the
10 manner specified in this section. If he or she deems it
11 incomplete, he or she shall return the same to the board for proper
12 preparation and execution.

13 Within seven days after a final decision by the county
14 board of equalization on any protest filed with the board, the
15 county clerk shall notify the protester of the action taken by the
16 board."

17 2. On page 6, line 19, after "sections" insert
18 "60-3006," and after the last comma insert "77-202.02,"; and in
19 line 20 strike "and 77-1311" and insert "77-1311, and 77-1502".

20 3. Renumber the remaining sections and correct internal
21 references accordingly.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 213. Placed on General File.

LEGISLATIVE BILL 241. Placed on General File.

(Signed) Jim Jensen, Chairperson

Natural Resources

LEGISLATIVE BILL 31. Placed on General File as amended.

Standing Committee amendment to LB 31:

AM0037

- 1 1. On page 2, lines 4, 10, 14, 19, and 24; and on page
- 2 3, lines 1 and 11, strike "thirty", show as stricken, and insert
- 3 "forty".
- 4 2. On page 3, line 19, strike "(a)"; in line 21 strike
- 5 "one-half" and show as stricken; and in line 23 after "of" insert
- 6 "processing".
- 7 3. On page 4, strike beginning with "(b)" in line 2
- 8 through "of" in line 10, show the old matter as stricken, and
- 9 insert "The State Treasurer shall credit"; and strike the new
- 10 matter in lines 12 through 14.

LEGISLATIVE BILL 305. Placed on General File as amended.

Standing Committee amendment to LB 305:

AM0047

- 1 1. On page 3, line 17, after the period insert
- 2 "Application for such permits shall be made to the commission or
- 3 its agents and shall contain such information as may be prescribed
- 4 by the commission.".
- 5 2. On page 4, lines 4 and 5, reinstate the stricken
- 6 matter.
- 7 3. On page 9, line 28, strike the new matter.
- 8 4. On page 10, lines 1 through 9, strike the new matter;
- 9 in line 14 reinstate the stricken matter; and in lines 19 through
- 10 22 strike the new matter.
- 11 5. On page 11, lines 14 through 23, strike the new
- 12 matter; and in line 28 strike the new matter and reinstate the
- 13 stricken matter.
- 14 6. On page 12, lines 2 and 3, strike the new matter.
- 15 7. On page 18, line 12, after the period insert "The fee
- 16 for such a permit to hunt deer shall be one-half the fee for a
- 17 nonresident permit to hunt deer.".
- 18 8. On page 20, line 7, strike "genus" and insert
- 19 "Families Tayassuidae and".

LEGISLATIVE BILL 33. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 245. Senator Chambers offered the following amendment:

FA1148

Page 28, strike lines 18-23.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment 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 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 69. 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.

LEGISLATIVE BILL 83. 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.

LEGISLATIVE BILL 92. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 306. Title read. Considered.

Senator Stuhr renewed her pending amendment, AM0058, found on page 306.

The Stuhr amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:
Indefinitely postpone.

Senators Burling and Foley asked unanimous consent to be excused. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARING
Business and Labor
 Room 1524

LB 226	Monday, February 3, 2003	1:30 p.m.
LB 278	Monday, February 3, 2003	1:30 p.m.
LB 308	Monday, February 3, 2003	1:30 p.m.
LB 418	Monday, February 3, 2003	1:30 p.m.
LB 39	Monday, February 3, 2003	1:30 p.m.
LB 483	Monday, February 3, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 72. Placed on General File as amended.

Standing Committee amendment to LB 72:

AM0071

- 1 1. On page 2, line 6, strike "Beginning with" and insert
- 2 "On"; and in line 7 strike beginning with the first "the" through
- 3 "thereafter" and insert "tax years 2003, 2004, and 2005".

(Signed) David Landis, Chairperson

AMENDMENT - Print in Journal

Senator Hartnett filed the following amendment to LB 76:

AM0078

- 1 1. On page 2, reinstate the stricken matter beginning
- 2 with "not" in line 7 through "than" in line 8 and after the
- 3 reinstated "than" insert "seven"; and in lines 8 through 11 strike
- 4 the new matter.

RESOLUTION

LEGISLATIVE RESOLUTION 26. Introduced by Quandahl, 31; Brown, 6; Friend, 10; Jensen, 20; Kruse, 13; Maxwell, 9; Mines, 18; Mossey, 3; Preister, 5; Redfield, 12; Thompson, 14; Wehrbein, 2.

WHEREAS, Mr. James C. Wilson, Sr., of Omaha, Nebraska, succumbed to leukemia and passed away on January 21, 2003; and

WHEREAS, Jimmy Wilson, Sr. retired in 1995 from the Omaha Police Division as a detective, after twenty-four years of service. Prior to joining the Omaha Police Division, Jimmy Wilson was in the U.S. Navy, and was a Douglas County sheriff's deputy; and

WHEREAS, on August 20, 1995, Jimmy Wilson, Sr. and his wife, Barbara, received the tragic news that their son, Jimmy Wilson, Jr., an Omaha police officer like his father, was killed in the line of duty; and

WHEREAS, in response to the death of his son, Jimmy Wilson, Sr. created the Jimmy Wilson, Jr. Foundation, the mission of which is to provide valuable safety equipment such as vehicle video cameras, portable radios, defibrillators, and bullet proof vests to law enforcement agencies, fire departments, and other public safety agencies. To this day, the foundation has granted over \$1,296,443.01 in safety equipment from the donations of generous contributors; and

WHEREAS, Jimmy Wilson, Sr. was an individual who dedicated his life to public service. That service was greatly appreciated by other public servants as well as the citizens of this state.

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

1. That the Legislature extends its sympathy to the family of Jimmy Wilson, Sr., and its gratitude for his years of public service.

2. That a copy of this resolution be sent to the family of Jimmy Wilson, Sr.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Wehrbein asked unanimous consent to have his name added as cointroducer to LB 332. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 279. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. David Jurgensen from Elkhorn.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 28, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 2003

PRAYER

The prayer was offered by Pastor Paul Witt, St. Mary's Catholic Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senator Maxwell who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

(Signed) Ray Mossey, Chairperson

**STANDING COMMITTEE REPORTS
Judiciary**

LEGISLATIVE BILL 21. Placed on General File.
LEGISLATIVE BILL 22. Placed on General File.
LEGISLATIVE BILL 49. Placed on General File.
LEGISLATIVE BILL 50. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 41. Placed on General File.

LEGISLATIVE BILL 84. Placed on General File.

LEGISLATIVE BILL 90. Placed on General File.

LEGISLATIVE BILL 328. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 643	Urban Affairs (rereferred)
LB 654	Urban Affairs (rereferred)

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Senator Tyson designates LB 265 as his priority bill.

Senator Foley designates LB 294 as his priority bill.

UNANIMOUS CONSENT - Member Excused

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 306. The Chambers pending motion, found on page 316, to indefinitely postpone, was renewed.

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 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 6:

Bourne	Cunningham	Stuthman
Chambers	Mossey	Tyson

Voting in the negative, 38:

Aguilar	Connealy	Jones	Pederson, D.	Smith
Baker	Cudaback	Kremer	Preister	Stuhr
Beutler	Engel	Kruse	Price	Synowiecki
Bromm	Foley	Landis	Quandahl	Thompson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hudkins	Maxwell	Redfield	Wehrbein
Byars	Janssen	Mines	Schimek	
Combs	Johnson	Pedersen, Dw.	Schrock	

Present and not voting, 3:

Erdman	Hartnett	McDonald

Excused and not voting, 2:

Brashear	Jensen

The Chambers motion to indefinitely postpone failed with 6 ayes, 38 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senators Bourne and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 126. Placed on General File.

LEGISLATIVE BILL 243. Placed on General File.

LEGISLATIVE BILL 429. Placed on General File.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 238. Placed on General File.

(Signed) Tom Baker, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources
Room 1525

LB 27	Wednesday, February 5, 2003	1:30 p.m.
LB 29	Wednesday, February 5, 2003	1:30 p.m.
LB 65	Wednesday, February 5, 2003	1:30 p.m.
LB 165	Wednesday, February 5, 2003	1:30 p.m.
LB 141	Thursday, February 6, 2003	1:30 p.m.
LB 145	Thursday, February 6, 2003	1:30 p.m.
LB 692	Thursday, February 6, 2003	1:30 p.m.
LB 28	Wednesday, February 12, 2003	1:30 p.m.
LB 618	Wednesday, February 12, 2003	1:30 p.m.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 30:
AM0098

(Amendments to Standing Committee amendments, AM0048)

- 1 1. On page 1, strike beginning with the first comma in
- 2 line 3 through "attorney" in line 4; and strike beginning with "if"
- 3 in line 10 through "General" in line 11.

ANNOUNCEMENT

Senator Dw. Pedersen designates LB 46 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 306. Senator Chambers offered the following motion:
Bracket

Senators Aguilar, Connealy, Loudon, and Dw. Pedersen 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, 6:

Cunningham	McDonald	Stuthman
Erdman	Mossey	Tyson

Voting in the negative, 35:

Aguilar	Combs	Johnson	Pederson, D.	Schrock
Baker	Cudaback	Jones	Preister	Smith
Beutler	Engel	Kremer	Price	Stuhr
Bromm	Foley	Kruse	Quandahl	Synowiecki
Brown	Friend	Louden	Raikes	Thompson
Burling	Hudkins	Maxwell	Redfield	Vrtiska
Byars	Janssen	Mines	Schimek	Wehrbein

Present and not voting, 2:

Chambers Hartnett

Excused and not voting, 6:

Bourne	Connealy	Landis
Brashear	Jensen	Pedersen, Dw.

The Chambers motion to bracket failed with 6 ayes, 35 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider vote just taken.

Senators Aguilar, Brashear, 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 reconsider failed with 7 ayes, 36 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 67, 68, 70, 71, 103, 106, 137, and 182.

ER9001

Enrollment and Review Change to LB 67

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendment, AM7004, on page 1, line 5, a comma has been inserted after "79-1083.02".

ER9000

Enrollment and Review Change to LB 137

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 3 and 4 have been struck and "to change towing restrictions; to repeal the original section; and to declare an emergency." inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 333. Placed on General File as amended.
Standing Committee amendment to LB 333:
AM0064

1. On page 2, line 3, strike "All-terrain" and insert
- 2 "All new all-terrain"; in lines 4 and 6 strike "manufactured" and
- 3 insert "sold"; in lines 12 and 20 strike "manufactured on or after
- 4 January 1, 2004,"; and in line 19 strike "an" and insert "a new".

(Signed) Tom Baker, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 131. Placed on General File.
LEGISLATIVE BILL 215. Placed on General File.
LEGISLATIVE BILL 217. Placed on General File.

LEGISLATIVE BILL 85. Placed on General File as amended.
Standing Committee amendment to LB 85:
AM0089

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."

LEGISLATIVE BILL 214. Placed on General File as amended.
Standing Committee amendment to LB 214:
AM0034

1 1. Strike original sections 3 and 4 and insert the
2 following new sections:
3 "Sec. 3. Section 1-119, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 1-119. The board shall charge a fee as established by
6 the board not to exceed three hundred dollars on and after July 1,
7 2003, and prior to January 1, 2004, and not to exceed two hundred
8 dollars on and after January 1, 2004, for the initial examination
9 provided for in section 1-114. An applicant for the examination
10 may be required to pay additional fees as charged by and remitted
11 or paid to a third party for administering the examination, if
12 required by the board.
13 Sec. 4. Section 1-120, Reissue Revised Statutes of
14 Nebraska, is amended to read:
15 1-120. The board shall charge fees as established by the
16 board for reexaminations under section 1-114. Such fees shall not
17 exceed seventy-five dollars on and after July 1, 2003, and prior to
18 January 1, 2004, and shall not exceed fifty dollars on and after
19 January 1, 2004, for each subject in which a person is reexamined.
20 An applicant for the reexamination may be required to pay
21 additional fees as charged by and remitted or paid to a third party
22 for administering the reexamination, if required by the board."

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendment to LB 216:
AM0026

1 1. Insert the following new section:
2 "Section 15. Section 44-5120, Revised Statutes
3 Supplement, 2002, is amended to read:
4 44-5120. (1) An insurer may lend its securities if:
5 (a) The securities are created or existing under the laws
6 of the United States and, simultaneously with the delivery of the
7 loaned securities, the insurer receives collateral from the
8 borrower consisting of cash or securities backed by the full faith
9 and credit of the United States or an agency or instrumentality of
10 the United States, except that any securities provided as
11 collateral shall not be of lesser quality than the quality of the
12 loaned securities. Any investment made by an insurer with cash
13 received as collateral for loaned securities shall be made in the
14 same kinds, classes, and investment grades as those authorized
15 under the Insurers Investment Act. The securities provided as
16 collateral shall have a market value when the loan is made of at
17 least one hundred two percent of the market value of the loaned
18 securities;
19 (b) The securities are created or existing under the laws
20 of Canada or are securities described in section 44-5137 and,
21 simultaneously with the delivery of the loaned securities, the
22 insurer receives collateral from the borrower consisting of cash or
23 securities backed by the full faith and credit of the foreign

24 country, except that any securities provided as collateral shall
1 not be of lesser quality than the quality of the loaned securities.
2 Any investment made by an insurer with cash received as collateral
3 for loaned securities shall be made in the same kinds, classes, and
4 investment grades as those authorized under the Insurers Investment
5 Act. The securities provided as collateral shall have a market
6 value when the loan is made of at least one hundred two percent of
7 the market value of the loaned securities;
8 (c) Prior to the loan, the borrower or any indemnifying
9 party furnishes the insurer with or the insurer otherwise obtains
10 the most recent financial statement of the borrower or any
11 indemnifying party;
12 (d) The insurer receives a reasonable fee related to the
13 market value of the loaned securities and to the term of the loan;
14 (e) The loan is made pursuant to a written loan
15 agreement; and
16 (f) The borrower is required to furnish by the close of
17 each business day during the term of the loan a report of the
18 market value of all collateral and the market value of all loaned
19 securities as of the close of trading on the previous business day.
20 If at the close of any business day the market value of the
21 collateral for any loan outstanding to a borrower is less than one
22 hundred percent of the market value of the loaned securities, the
23 borrower shall deliver by the close of the next business day an
24 additional amount of cash or securities. The market value of the
25 additional securities, together with the market value of all
26 previously delivered collateral, shall equal at least one hundred
27 two percent of the market value of the loaned securities for that
1 loan.
2 (2) If at the close of any business day the market value
3 of the collateral for all loans outstanding to a borrower is less
4 than one hundred two percent of the market value of the loaned
5 securities, the borrower shall deliver by the close of the next
6 business day an additional amount of cash or securities. The
7 market value of the additional securities, together with the market
8 value of all previously delivered collateral, shall equal at least
9 one hundred two percent of the market value of the loaned
10 securities for all loans to that borrower. This subsection does
11 not apply if the insurer receives cash collateral for all loans
12 outstanding to the borrower.
13 (3) For purposes of this section, market value shall
14 include accrued interest.
15 (4) An insurer shall effect securities lending only
16 through the services of a custodian bank or similar entity as
17 approved by the director.
18 (5) An insurer's investments authorized under this
19 section shall not exceed ten percent of its admitted assets."
20 2. On page 5, strike lines 3 through 7, show the old
21 matter as stricken, and insert

- 22 "(iii) The salaries and compensation of the officers and
 23 any other information required by the director shall be filed with
 24 the director.".
 25 3. On page 11, strike lines 5 and 6, show as stricken,
 26 and insert "marine, or ocean marine insurance, reinsurance
 27 contracts between insurance companies, or insurance that does not
 1 cover risks of a personal nature. The Director of".
 2 4. On page 61, line 15, after the fourth comma insert
 3 "44-5120,".
 4 5. Renumber the remaining sections and correct internal
 5 references accordingly.

(Signed) Mark Quandahl, Chairperson

Revenue

LEGISLATIVE BILL 282. Placed on General File as amended.
 Standing Committee amendment to LB 282:
 AM0072

- 1 1. On page 21, line 4, after the semicolon insert "or";
 2 in line 10 strike "; or" and insert an underscored period; in line
 3 11 strike "(d) Agreements" and insert "(3) Lease includes
 4 agreements"; in line 15 strike "(3)" and insert "(4)"; and in line
 5 20 strike "(4)" and insert "(5)".
 6 2. On page 98, line 20, strike "is", show as stricken,
 7 and insert "and a representative of the Legislature appointed by
 8 the Executive Board of the Legislative Council are".

LEGISLATIVE BILL 381. Placed on General File as amended.
 Standing Committee amendment to LB 381:
 AM0073

- 1 1. On page 5, lines 1 and 2, strike "rental or lease
 2 agreement is executed" and insert "automobile, truck, trailer,
 3 semitrailer, or truck-tractor is delivered to the lessee".

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 222. Placed on General File as amended.
 Standing Committee amendment to LB 222:
 AM0100

- 1 1. Strike original section 13 and insert the following
 2 new sections:
 3 "Sec. 12. Section 23-1736, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 23-1736. No person serving in the classified service
 6 under sections 23-1721 to ~~23-1737~~ 23-1736 shall actively
 7 participate in any campaign conducted by any candidate for public

8 office while on duty or while in uniform.

9 Sec. 14. The following section is outright repealed:

10 Section 23-1737, Reissue Revised Statutes of Nebraska."

11 2. On page 2, line 4; page 4, lines 15, 19, and 24;

12 page 5, lines 2 and 14; page 6, lines 3, 7, 11, 15, and 19; page 7,

13 line 18; page 8, lines 1, 11, and 20; and page 9, line 1, strike

14 "23-1735" and insert "23-1736".

15 3. On page 10, line 3, after "of" insert "an"; in line 4

16 after the first comma insert "a", strike the first "or" and insert

17 "a", and strike "or any" and insert ", or a written departmental

18 policy or procedure"; in line 5 strike "other matter of employment

19 dispute"; in line 13 after the period insert "After hearing or

20 reviewing the grievance, the commission shall issue a written order

21 either affirming or denying the grievance. Such order shall be

22 delivered to the parties to the grievance or their counsel within

23 seven calendar days after the date of the hearing or the submission

24 of the written grievance."; and in line 15 strike "and 23-1734" and

1 insert "23-1734, and 23-1736".

2 4. Renumber the remaining section accordingly.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 122:

FA1149

On page 2, in lines 7-8, strike new language.

NOTICE OF COMMITTEE HEARING

Urban Affairs

Room 1510

LB 277	Tuesday, February 4, 2003	1:30 p.m.
LB 235	Tuesday, February 4, 2003	1:30 p.m.
LB 91	Tuesday, February 4, 2003	1:30 p.m.
LB 518	Tuesday, February 4, 2003	1:30 p.m.
LB 476	Tuesday, February 4, 2003	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 306. Senator Chambers offered the following motion:

Return to Natural Resources Committee.

Senators Beutler, Engel, Foley, and Hudkins asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 205. Placed on General File as amended.
Standing Committee amendment to LB 205:
AM0097

- 1 1. Strike original sections 1 and 4.
- 2 2. On page 6, line 23, strike "sections 53-101 and" and
- 3 insert "section".
- 4 3. Renumber the remaining sections accordingly.

(Signed) Ray Janssen, Chairperson

AMENDMENT - Print in Journal

Senators Schrock and Stuhr filed the following amendment to LB 306:
FA1150
Make the effective date of LB 306 July 1, 2004.

UNANIMOUS CONSENT - Add Cointroducers

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 170. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 279. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 312. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ilene Grossman and Tim Anderson from Chicago; and 15 special education students and teacher from Villa Marie School, Waverly.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 29, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 2003

PRAYER

The prayer was offered by Senator Redfield.

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 Senators Cunningham, Engel, Landis, Maxwell, and Dw. Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 328, at the end of the page, insert "Pending."
The Journal for the fourteenth day was approved as corrected.

**STANDING COMMITTEE REPORTS
Education**

LEGISLATIVE BILL 66. Placed on General File.

(Signed) Ron Raikes, Chairperson

Health and Human Services

LEGISLATIVE BILL 55. Placed on General File as amended.
Standing Committee amendment to LB 55:
AM0082

- 1 1. On page 3, line 19, strike "and"; and in line 20
- 2 after "firefighter" insert ",and any civilian law enforcement
- 3 employee or volunteer".

LEGISLATIVE BILL 119. Placed on General File as amended.
Standing Committee amendment to LB 119:
AM0091

- 1 1. Strike the new matter beginning on page 7, line 4,
 2 through page 9, line 2, and insert the following new subsection:
 3 "(4)(a) The department shall have authority over the use,
 4 retention, and disposal of blood specimens and all related
 5 information collected in connection with metabolic disease testing
 6 conducted under subsection (1) of this section.
 7 (b) The department shall adopt and promulgate rules and
 8 regulations relating to the retention and disposal of such
 9 specimens. The rules and regulations shall: (i) Be consistent
 10 with nationally recognized standards for laboratory accreditation
 11 and shall comply with all applicable provisions of federal law;
 12 (ii) require that the disposal be conducted in the presence of a
 13 witness who may be an individual involved in the disposal or any
 14 other individual; and (iii) provide for maintenance of a written or
 15 electronic record of the disposal, verified by such witness.
 16 (c) The department shall adopt and promulgate rules and
 17 regulations relating to the use of such specimens and related
 18 information. Such use shall only be made for public health
 19 purposes with the written consent of the parent or guardian of the
 20 infant and shall comply with all applicable provisions of federal
 21 law. The department may charge a reasonable fee for evaluating
 22 proposals relating to the use of such specimens for public health
 23 research and for preparing and supplying specimens for research
 24 proposals approved by the department."
 1 2. On page 10, line 11, strike "medical" and show as
 2 stricken.

LEGISLATIVE BILL 138. Placed on General File as amended.
 Standing Committee amendment to LB 138:
 AM0088

- 1 1. On page 2, line 3, after "mind" insert "who is
 2 eighteen years of age or older"; in line 5 after "death" insert an
 3 underscored period; strike the new matter in lines 8 through 18;
 4 and reinstate the stricken matter in line 17.

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENTS

Senator Brown designates LB 117 as her priority bill.

Senator McDonald designates LB 756 as her priority bill.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

LB 414	Wednesday, February 5, 2003	1:30 p.m.
LB 383	Wednesday, February 5, 2003	1:30 p.m.

LB 234	Wednesday, February 5, 2003	1:30 p.m.
LB 667	Wednesday, February 5, 2003	1:30 p.m.
LB 73	Thursday, February 6, 2003	1:30 p.m.
LB 546	Thursday, February 6, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 306. Senator Chambers withdrew his pending motion, found on page 328, to return to Natural Resources Committee.

Senators Schrock and Stuhr renewed their pending amendment, FA1150, found on page 329.

The Schrock and Stuhr amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

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

Senator Stuhr offered the following amendment:
(Amendment, AM0119, is printed separately and available in the Bill Room, Room 1104.)

The Stuhr amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 242. Placed on Select File as amended.
E & R amendment to LB 242:
AM7006

- 1 1. On page 14, line 27, strike "under" and insert "as
2 provided in".
- 3 2. On page 25, line 12, strike "a" and insert "the"; and
4 in line 27 before "the" insert "paying".
- 5 3. On page 26, line 10, after "and" insert "paying".
- 6 4. On page 28, line 4, strike "any", show as stricken,

- 7 and insert "the".
- 8 5. On page 29, line 22, after "collected" insert
- 9 "subject to section 28 of this act".
- 10 6. On page 33, line 6, after "and" insert ", for
- 11 placement on inactive status,".
- 12 7. On page 40, line 28, after "credential" insert ", and
- 13 the credential shall be valid until the next subsequent renewal
- 14 date".
- 15 8. On page 41, line 18, strike "specified" and insert
- 16 "listed"; and in line 24 after "dollars" insert "in addition to the
- 17 renewal fee".
- 18 9. On page 42, lines 1 and 2 and 8 and 9, strike "in
- 19 addition to the renewal fee"; and in line 3 after "dollars" insert
- 20 "in addition to the renewal fee".
- 21 10. On page 65, line 17, strike "this section and" and
- 22 show as stricken.
- 23 11. On page 66, line 10, after "(1)" insert "(a)"; in
- 24 line 18 strike "(a)", show as stricken, and insert "(i)"; and in
- 1 line 26 strike "(b)", show as stricken, and insert "(ii)"; and
- 2 strike "(c)", show as stricken, and insert "(iii)".
- 3 12. On page 67, line 1, after the period insert
- 4 paragraphing and "(b)"; in line 2 after "(1)(a)" insert "(i)"; in
- 5 line 16 before "The" insert "(c)"; in line 17 strike "(1)(b)", show
- 6 as stricken, and insert "(1)(a)(ii)"; in line 19 strike "(A)", show
- 7 as stricken, and insert "(i)"; in line 21 strike "(B)", show as
- 8 stricken, and insert "(ii)"; and in line 26 after "(2)" insert
- 9 "(a)".
- 10 13. On page 68, line 1, strike "(a)", show as stricken,
- 11 and insert "(i)"; in line 10 strike "(b)", show as stricken, and
- 12 insert "(ii)"; in line 11 strike "(c)", show as stricken, and
- 13 insert "(iii)"; in line 13 strike "(d)", show as stricken, and
- 14 insert "(iv)"; in line 16 after the period insert paragraphing and
- 15 "(b)"; and in line 17 after "(2)(a)" insert "(i)".
- 16 14. On page 89, line 27, strike "subdivision", show as
- 17 stricken, and insert "subsection".
- 18 15. On page 116, line 12, strike "determine," show as
- 19 stricken, and insert an underscored comma.
- 20 16. On page 127, line 4, strike "Chapter 71", show as
- 21 stricken, and insert "the Health Care Facility Licensure Act"; in
- 22 line 23 after "fees" insert "as provided in section 71-162"; and in
- 23 line 27 strike the new matter.
- 24 17. On page 163, line 10, strike "(1)" and show as
- 25 stricken.
- 26 18. On page 167, lines 5 and 6, strike "for persons
- 27 certified under the act".

- 1 1. On page 1, lines 1 and 2, strike "sections 43-1716
2 and" and insert "section"; in line 10 after "care" insert a comma;
3 and in line 13 after "services" insert "system".
4 2. On page 2, line 1; and page 45, line 15, strike the
5 first comma.
6 3. On page 19, line 10, after the semicolon insert
7 "and".
8 4. On page 32, line 14, after "(2)" insert "(a)"; in
9 line 19 strike "(a)", show as stricken, and insert "(i)"; in line
10 23 strike "(b)", show as stricken, and insert "(ii)"; and in line
11 24 after the period insert paragraphing and "(b)".
12 5. On page 45, line 9, strike "sections 43-1716 and" and
13 insert "section".

LEGISLATIVE BILL 40. Placed on Select File as amended.
E & R amendment to LB 40:
AM7008

- 1 1. On page 3, lines 12 and 13, strike "for three-year
2 terms" and show as stricken.

LEGISLATIVE BILL 69. Placed on Select File.

LEGISLATIVE BILL 83. Placed on Select File.

LEGISLATIVE BILL 92. Placed on Select File.

(Signed) Ray Mossey, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 220	Wednesday, February 5, 2003	1:30 p.m.
LB 290	Wednesday, February 5, 2003	1:30 p.m.
LB 516	Wednesday, February 5, 2003	1:30 p.m.
LB 644	Wednesday, February 5, 2003	1:30 p.m.
LB 689	Wednesday, February 5, 2003	1:30 p.m.
LB 676	Wednesday, February 5, 2003	1:30 p.m.
LB 108	Thursday, February 6, 2003	1:30 p.m.
LB 505	Thursday, February 6, 2003	1:30 p.m.
LB 506	Thursday, February 6, 2003	1:30 p.m.
LB 398	Thursday, February 6, 2003	1:30 p.m.
LB 399	Thursday, February 6, 2003	1:30 p.m.
LB 734	Thursday, February 6, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 122. Title read. Considered.

The Standing Committee amendment, AM0017, found on page 285, was considered.

SENATOR CUDABACK PRESIDING

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

The Standing Committee amendment was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, FA1149, found on page 328.

Senators Foley and Hartnett 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 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 2 ayes, 35 nays, 6 present and not voting, and 6 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 Chambers offered the following amendment:
FA1151

On page 2, in lines 7-8, strike new language; in line 8 strike "fourteen" and insert "ten".

Pending.

STANDING COMMITTEE REPORTS **Business and Labor**

LEGISLATIVE BILL 194. Placed on General File.

LEGISLATIVE BILL 195. Placed on General File.

LEGISLATIVE BILL 199. Placed on General File as amended.

Standing Committee amendment to LB 199:

AM0118

- 1 1. On page 15, line 28, strike the new matter.
- 2 2. On page 16, lines 5 through 9, strike the new matter
- 3 and reinstate the stricken matter.

(Signed) Floyd P. Vrtiska, Chairperson

Banking, Commerce and Insurance**LEGISLATIVE BILL 128.** Placed on General File.**LEGISLATIVE BILL 130.** Placed on General File as amended.

Standing Committee amendment to LB 130:

AM0057

- 1 1. On page 7, strike beginning with "except" in line 13
- 2 through the comma in line 14; and in line 16 after "irrevocable
- 3 trust" insert "who have attained twenty-five years of age".
- 4 2. On page 49, line 5, strike "or" and insert "and".

LEGISLATIVE BILL 218. Placed on General File as amended.

Standing Committee amendment to LB 218:

AM0052

- 1 1. On page 8, lines 2 and 3, reinstate the stricken
- 2 matter.
- 3 2. On page 10, lines 8 and 25, strike the new matter and
- 4 reinstate the stricken matter; in line 9 reinstate the stricken
- 5 matter; and in lines 11 through 18 strike the new matter.
- 6 3. On page 11, lines 5 and 9, strike the new matter and
- 7 reinstate the stricken matter.

(Signed) Mark Quandahl, Chairperson

NOTICE OF COMMITTEE HEARINGS**Executive Board**

Room 2102

LB 598	Thursday, February 6, 2003	12:00 p.m.
LR 7CA	Thursday, February 6, 2003	12:00 p.m.
LR 1CA	Thursday, February 6, 2003	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

Government, Military and Veterans Affairs

Room 1507

LB 117	Wednesday, February 5, 2003	1:30 p.m.
LB 228	Wednesday, February 5, 2003	1:30 p.m.
LB 537	Wednesday, February 5, 2003	1:30 p.m.
LB 755	Wednesday, February 5, 2003	1:30 p.m.
LB 349	Thursday, February 6, 2003	1:30 p.m.
LB 261	Thursday, February 6, 2003	1:30 p.m.
LB 312	Thursday, February 6, 2003	1:30 p.m.
LB 433	Thursday, February 6, 2003	1:30 p.m.

LB 554	Thursday, February 6, 2003	1:30 p.m.
LB 762	Thursday, February 6, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary
Room 1113

LB 313	Wednesday, February 5, 2003	1:30 p.m.
LB 421	Wednesday, February 5, 2003	1:30 p.m.
LB 489	Wednesday, February 5, 2003	1:30 p.m.
LB 699	Wednesday, February 5, 2003	1:30 p.m.
LB 722	Wednesday, February 5, 2003	1:30 p.m.
LB 751	Wednesday, February 5, 2003	1:30 p.m.
LB 760	Wednesday, February 5, 2003	1:30 p.m.
LB 761	Wednesday, February 5, 2003	1:30 p.m.
LR 20CA	Wednesday, February 5, 2003	1:30 p.m.

LB 38	Thursday, February 6, 2003	1:30 p.m.
LB 265	Thursday, February 6, 2003	1:30 p.m.
LB 669	Thursday, February 6, 2003	1:30 p.m.
LB 454	Thursday, February 6, 2003	1:30 p.m.
LB 694	Thursday, February 6, 2003	1:30 p.m.
LB 695	Thursday, February 6, 2003	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 69A. 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 69, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE BILL 122. The Chambers pending amendment, FA1151, found in this day's Journal, was renewed.

Senator Aguilar 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, 0 nays, and 31 not voting.

The Chambers amendment lost with 0 ayes, 39 nays, 6 present and not

voting, and 4 excused and not voting.

The Chair declared the call raised.

Senators Brashear, Mines, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers offered the following motion:
Reconsider the vote.

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendment to LB 355:
AM0120

- 1 1. On page 4, line 14, strike "Some of the" and insert
- 2 "The individual's"; and in line 16 strike "but does not include"
- 3 and insert "except for".

(Signed) David Landis, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 102. Placed on General File.
LEGISLATIVE BILL 185. Placed on General File.
LEGISLATIVE BILL 186. Placed on General File.
LEGISLATIVE BILL 187. Placed on General File.

LEGISLATIVE BILL 101. Placed on General File as amended.
Standing Committee amendment to LB 101:
AM0123

- 1 1. On page 2, line 17, strike the new matter and
- 2 reinstate the stricken matter.

LEGISLATIVE BILL 371. Placed on General File as amended.
Standing Committee amendment to LB 371:
AM0106

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 60-1438, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-1438. (1) Each new motor vehicle manufacturer or
- 6 distributor shall specify in writing to each of its new motor
- 7 vehicle dealers licensed in this state the dealer's obligations for
- 8 preparation, delivery, and warranty service on its products. The
- 9 manufacturer or distributor shall compensate the new motor vehicle

10 dealer for warranty service which such manufacturer or distributor
11 requires the dealer to provide. The manufacturer or distributor
12 shall provide the new motor vehicle dealer with the schedule of
13 compensation to be paid to the dealer for parts, work, and service
14 and the time allowance for the performance of the work and service.

15 (2) The schedule of compensation shall include reasonable
16 compensation for diagnostic work, as well as repair service, parts,
17 and labor. Time allowances for the diagnosis and performance of
18 warranty work and service shall be reasonable and adequate for the
19 work to be performed. In the determination of what constitutes
20 reasonable compensation under this section, the principal factors
21 to be given consideration shall be the prevailing wage rates being
22 paid by dealers in the community in which the dealer is doing
23 business, and in no event shall the compensation of the dealer for
24 warranty parts and labor be less than the rates charged by the
1 dealer for like parts and service to retail or fleet customers, as
2 long as such rates are reasonable.

3 (3) A manufacturer or distributor shall not do any of the
4 following:

5 (a) Fail to perform any warranty obligation;
6 (b) Fail to include in written notices of factory recalls
7 to new motor vehicle owners and dealers the expected date by which
8 necessary parts and equipment will be available to dealers for the
9 correction of the defects; or

10 (c) Fail to compensate any of the new motor vehicle
11 dealers licensed in this state for repairs effected by the recall.

12 (4) All claims made by a new motor vehicle dealer
13 pursuant to this section for labor and parts shall be paid within
14 thirty days after their approval. All claims shall be either
15 approved or disapproved by the manufacturer or distributor within
16 thirty days after their receipt on a proper form generally used by
17 the manufacturer or distributor and containing the usually required
18 information therein. Any claim not specifically disapproved in
19 writing within thirty days after the receipt of the form shall be
20 considered to be approved and payment shall be made within thirty
21 days. The manufacturer has the right to audit the claims for two
22 years after payment and to charge back to the new motor vehicle
23 dealer the amount of any false, fraudulent, or unsubstantiated
24 claim.

25 (5) The warranty obligations set forth in this section
26 shall also apply to any manufacturer of a new motor vehicle
27 transmission, engine, or rear axle that separately warrants its
1 components to customers.

2 Sec. 2. Original section 60-1438, Reissue Revised
3 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 82. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 123. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ilene Grossman and Tim Anderson from Chicago; and 50 twelfth-grade students and teachers from Syracuse.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 30, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 2003

PRAYER

The prayer was offered by Senator Burling.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Brown, Combs, Foley, Landis, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 306. Placed on Select File as amended.
E & R amendment to LB 306:
AM7009

- 1 1. In the Stuhr amendment, AM0119, on page 23, line 3,
- 2 after "37-1217" insert a comma.
- 3 2. In lieu of the Schrock amendment, FA1150, in the
- 4 Stuhr amendment, AM0119:
- 5 a. Insert the following new section:
- 6 "Sec. 23. This act becomes operative on July 1, 2004.";
- 7 and
- 8 b. Renumber the remaining section accordingly.
- 9 3. On page 1, line 7, after the semicolon insert "to
- 10 provide an operative date;".

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 53. Placed on General File as amended.
Standing Committee amendment to LB 53:
AM0110

1 1. On page 3, line 4, strike "equal to" and insert "not
2 less than"; and in line 6 after "merger" insert ", except that if
3 the appropriation for core services funds for either of the two
4 fiscal years following the fiscal year in which the merger takes
5 place is less than the appropriation for such funds for the fiscal
6 year immediately preceding the merger, core services funds shall be
7 reduced by a percentage equal to the ratio of the difference of
8 such appropriation for the fiscal year immediately preceding the
9 merger minus the appropriation for the fiscal year in question
10 divided by the appropriation for the fiscal year immediately
11 preceding the merger".

LEGISLATIVE BILL 181. Placed on General File as amended.
Standing Committee amendment to LB 181:
AM0065

1 1. Insert the following new section:
2 "Sec. 5. Section 32-618, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 32-618. (1) The number of signatures of registered
5 voters needed to place the name of a candidate upon the nonpartisan
6 ballot for the general election shall be as follows:
7 (a) For each nonpartisan office other than members of the
8 Board of Regents of the University of Nebraska and board members of
9 a Class III school district, at least ten percent of the total
10 number of registered voters voting for Governor or President of the
11 United States at the immediately preceding general election in the
12 district or political subdivision in which the officer is to be
13 elected. If the district in which the petitions are circulated
14 comprises more than two counties, at least twenty-five signatures
15 shall be obtained in each county comprising the district;
16 (b) For members of the Board of Regents of the University
17 of Nebraska, at least ten percent of the total number of registered
18 voters voting for Governor or President of the United States at the
19 immediately preceding general election in the regent district in
20 which the officer is to be elected, not to exceed one thousand. If
21 the regent district in which the petitions are circulated comprises
22 more than two counties, at least twenty-five signatures shall be
23 obtained in each of two-fifths of the counties comprising the
24 district; and
1 (c) ~~(b)~~ For board members of a Class III school district,
2 at least twenty percent of the total number of votes cast for the
3 board member receiving the highest number of votes at the
4 immediately preceding general election in the school district.

- 5 (2) The number of signatures of registered voters needed
 6 to place the name of a candidate upon the partisan ballot for the
 7 general election shall be as follows:
 8 (a) For each partisan office to be filled by the
 9 registered voters of the entire state, at least two thousand;
 10 (b) For each partisan office to be filled by the
 11 registered voters of a county or political subdivision other than a
 12 township or precinct, at least twenty percent of the total vote for
 13 Governor or President of the United States at the immediately
 14 preceding general election within the county or political
 15 subdivision, not to exceed two thousand; and
 16 (c) For each partisan office to be filled by the
 17 registered voters of a township or precinct, fifty.
 18 The number of signatures shall not be required to exceed
 19 one-fourth of the total number of registered voters voting for the
 20 office at the immediately preceding general election when the
 21 nomination is for a partisan office to be filled by the registered
 22 voters of a county, township, or precinct."
 23 2. On page 2, lines 10, 16, and 21, strike "sixty" and
 24 insert "seventy-five".
 25 3. On page 4, line 10, after "32-571" insert "
 26 32-618,".
 27 4. Renumber the remaining sections accordingly.

(Signed) Ron Raikes, Chairperson

AMENDMENT - Print in Journal

Senator Raikes filed the following amendment to LB 540:
 AM0135

- 1 1. On page 3, line 22, strike "15", show as stricken,
 2 and insert "30".
- 3 2. On page 13, line 22; page 15, line 18; and page 18,
 4 line 15, strike "2003-04" and insert "2002-03".
- 5 3. On page 13, line 23; and page 19, line 9, strike
 6 "2004-05 and 2005-06" and insert "2003-04 and 2004-05".
- 7 4. On page 16, lines 1 and 2, strike "2004-05 or
 8 2005-06" and insert "2003-04 or 2004-05".
- 9 5. On page 20, line 5, strike "May 1, 2002", show as
 10 stricken, and insert "June 15, 2003".

2002 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR Subject

338 Financial interests of participants in livestock
 marketings

Completed
 No Report Issued

339	Examine revenue needed to fund ethanol production incentives	Completed Report Issued
387	Examine impacts of market concentration in ag markets	Completed No Report Issued
388	Study vulnerability of food systems to agroterrorism	Completed No Report Issued
424	Study methods to increase biofuel consumption in Nebraska	Completed No Report Issued
389	Country-of-origin labeling	Completed No Report Issued
337	Implications of federal court decisions for commodity checkoff programs	Deferred
441	Examine impacts of expanding the brand inspection area	Completed No Report Issued
390	Implementation of recommendations of the Carbon Sequestration Advisory Committee	Deferred
342	Pesticide use in schools	Completed No Report Issued

Appropriations

LR Subject

325	Examine zero base budgeting	Completed No Report Issued
326	Oversight of fed funds (terrorism) (Joint Committees)	Completed No Report Issued
347	Norfolk Regional Center	Deferred
401	Landfill Monitoring/Remediation (Joint Committees)	Deferred
410	Medicaid issues (Joint Committees)	Completed No Report Issued
456	Cost Allocation of PSC	Completed No Report Issued

Banking, Commerce and Insurance**LR Subject**

367	Uniform Trust Code	Completed Report Issued
397	Common-law Liens	Completed No Report Issued
409	Insurance for Reproductive Diseases	Deferred
366	Agricultural Statutory Liens	Deferred

Business and Labor**LR Subject**

412	Ag exemption in workers' compensation	Completed Report Issued
426	Workers' Compensation Court Funds	Completed No Report Issued
362	Public employees collective bargaining process	Deferred
427	Workers' Compensation Court oversight of self-insured employers	Completed Report Issued
422	Minimum Wage in Nebraska	Deferred
418	Nebraska's employment security laws	Completed Report Issued
419	Workplace Safety Consultation Program	Completed Report Issued
421	Three judge panel review under Workers' Compensation Court	Completed No Report Issued
364	Nebraska's contractor registration law	Deferred

Education**LR Subject**

324	Examine state aid to schools	Deferred

329	Immigration status	Completed No Report Issued
371	Clarify eligibility of ESU board candidates	Deferred
391	Accrediting of ESU's	Deferred
394	Formula needs component of state aid formula	Completed No Report Issued
423	Certification status of coaches	Deferred
455	Study of vocational programs	Deferred
465	Examine Education Innovation Fund	Deferred

General Affairs

LR Subject

428	Issuance and use of special designated licenses	Completed No Report Issued
432	Feasibility of reclassifying the liquor licensing system	Completed No Report Issued
433	Nebraska Lottery and Raffle Act and the Nebraska Small Lottery and Raffle Act	Completed No Report Issued
431	Alcoholic liquor sales in Whiteclay, NE	Completed No Report Issued
378	Determine which penalties most effectively deter underage consumption of alcoholic liquor	Deferred
430	Study a system for tracking cemetery locations in the state	Deferred
429	Charitable gaming in Nebraska	Deferred

Government, Military and Veterans Affairs

LR Subject

320	Examine methods of making state and local government more efficient and cost effective	Completed No Report Issued
326	Examine how to provide legislative oversight	Completed

	of federal funds allocated to the state to prepare for possible acts of terrorism (Joint Committees)	No Report Issued
335	Examine consolidation of government, especially consolidation of political subdivisions	Completed No Report Issued
336	Examine implementation of a unified statewide voter registration system	Completed No Report Issued
344	Examine issues within the jurisdiction of the Government, Military, & Veterans Affairs Committee of the Legislature	Completed No Report Issued
377	Study of classified and non-classified employees in the State Personnel System	Completed No Report Issued
380	Examine issues raised by introduction of bills relating to the County Purchasing Act	Completed No Report Issued
399	Examine issues relating to private contracting for personal services (Joint Committees)	Completed Report Issued
420	Study of Nebraska's Employee Suggestion System	Completed No Report Issued
447	Study of issues relating to the local lodging tax	Completed No Report Issued
452	Determine whether an alternative method under the Administrative Procedures Act is warranted for bringing forth a claim	Completed No Report Issued

Health and Human Services

LR Subject

321	Review the growth in Medicaid expenditures	Completed No Report Issued
332	Examine LB 396, 2001, which would enact the Advanced Practice Registered Nurse Act	Completed No Report Issued
333	Determine which health care fields have shortages of professionals to provide health care	Completed No Report Issued
346	Examine issues raised by introduction of	Completed

	LB 399, 2001, the Outpatient Surgical Procedures Data Act	No Report Issued
350	Examine the administrative and personnel structure of the Health and Human Services System	Completed No Report Issued
352	Examine changing the age of majority from nineteen to eighteen years	Completed No Report Issued
355	Determine how the Department of Health and Human Services can improve its cost effectiveness in providing services	Completed No Report Issued
370	Identify issues relating to the operation of child advocacy centers	Completed No Report Issued
382	Examine the process used by the health and human services system to designate children as not eligible for Title IV-E federal funds	Completed No Report Issued
410	Study to conduct research and develop recommendations relating to Medicaid	Completed No Report Issued
411	Examine health and human services issues	Completed No Report Issued
415	Examine issues relating to health care professionals	Completed No Report Issued
443	Study of the requirements for emergency medical technician certification	Completed No Report Issued

Judiciary

LR Subject

322	Correctional Services Expenditures	Completed No Report Issued
349	Correctional System Rehabilitative Services	Completed No Report Issued
351	Emancipation of a Minor	Completed No Report Issued
361	Nebraska Crime Victim's Reparations Act	Completed No Report Issued

363	Internet Child Enticement	Completed No Report Issued
365	Juvenile Services Grant Funds and County Juvenile Services Aid Program	Completed No Report Issued
375	Nebraska Court System Fee Structure	Completed No Report Issued
376	Sheriff's Fees	Completed No Report Issued
379	Notaries Public	Completed No Report Issued
381	Protection and Safety System, Children and Family Services and Juvenile Services	Completed No Report Issued
392	Rewrite of Juvenile Code	Completed No Report Issued
393	Community Corrections	Completed No Report Issued
396	Methamphetamine	Completed No Report Issued
398	Prejudgment and Postjudgment Interest and Attorney's Fees	Completed No Report Issued
400	Child Support Guidelines	Completed No Report Issued
402	Parole and Correctional Population Management and Staffing	Completed No Report Issued
413	Guest Statute	Completed No Report Issued
436	Tribal Land and Multijurisdictional Law Enforcement Agency Funding	Completed No Report Issued
442	Uniform Mediation Act	Completed No Report Issued

Natural Resources**LR Subject**

340	Develop a professional licensing program relating to the wastewater treatment systems industry	Completed No Report Issued
343	To seek solutions to the barriers to the development of renewable energy	Completed No Report Issued
345	To examine the recycling of hazardous wastes into fertilizers	Completed No Report Issued
356	To examine the Game and Parks Commission's operations of the State Park System	Completed No Report Issued
357	To examine the federal Clean Water Act as it relates to the state of Nebraska	Completed No Report Issued
358	To examine problems associated with disposal of used electronic equipment	Deferred
359	To conduct a review of the scrap tire program	Deferred
360	To conduct a review of environmental recycling and waste reduction grant programs	Deferred
373	To develop legislation to reduce air emissions from power plants	Completed No Report Issued
384	To examine the federal Safe Drinking Water Act as it relates to the state of Nebraska	Completed No Report Issued
401	To examine long-term landfill closure monitoring and remediation expenses	Deferred
425	To study the potential economic impacts of a credit trading mechanism under the proposed renewable fuel standard considered by Congress	Completed No Report Issued
434	To review existing law and the need for legislation regarding the predatory pricing of motor fuel	Completed No Report Issued
440	To study the environmental effects and other issues relating to the Livestock Waste Management Act	Completed No Report Issued

Nebraska Retirement Systems**LR Subject**

408	Nebraska Investment Council	Completed Report Issued
383	Deferred Retirement Option Plans	Completed Report Issued

Revenue**LR Subject**

469	In-depth study of state and local tax system	Completed Report Issued
403	Overall tax system	Completed Report Issued
450	Budget and levy limits	Completed Report Issued
323	Effectiveness of state aid to local governments	Completed Report Issued
435	Tax reform	Deferred
385	Tax simplification	Deferred
448	Assessment of public property not used for a public purpose	Deferred
406	Effectiveness of LB 775	Deferred
445	Effectiveness of tax incentives	Deferred
341	Financing ethanol incentives	Completed Report Issued
404	Equalization of ag land subject to special valuation	Completed No Report Issued
372	Telecommunications taxation	Completed No Report Issued
405	Streamlined sales tax	Completed No Report Issued
417	Tax incentives for historical preservation	Deferred

Transportation and Telecommunications**LR Subject**

318	Telephone solicitations	Deferred
328	Cash Funding PSC	Deferred
331	Highway Transportation overage regulations	Deferred
334	Unsolicited electronic mail	Deferred
353	Administrative license revocation	Completed No Report Issued
354	City and village authority to require railroads to maintain railroad crossings	Deferred
368	DUI repeat offenders	Completed No Report Issued
369	DUI recodification	Completed No Report Issued
374	Automobile consumer protection	Deferred
407	In Transit decals on motor vehicles	Deferred
414	Process for Department of Roads' projects	Completed No Report Issued
437	General issues of the Committee	Deferred
438	Tire debris on Nebraska's highways	Deferred
439	Fitness of CDL licensees with change in health	Completed No Report Issued
453	Recodification of motor vehicle titling and registration laws	Deferred
456	Cash Funding PSC	Deferred

Urban Affairs**LR Subject**

446	Amending the State Building Code (Issues of LB 811, 2001)	Completed No Report Issued

416	Issues of state-centralized natural gas rate regulation	Completed No Report Issued
464	Governance structure of the Metropolitan Area Transit Authority	Completed No Report Issued
444	Issues relating to the structure of local municipal governments	Completed No Report Issued
449	General study of matters within the jurisdiction of the Urban Affairs Committee	Completed No Report Issued

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to the Teacher Salary Task Force; to eliminate provisions governing the task force which terminated on December 31, 2000; and to outright repeal sections 79-8,118 to 79-8,123, Revised Statutes Supplement, 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	Johnson	Pederson, D.	Stuthman
Baker	Cunningham	Jones	Price	Synowiecki
Beutler	Engel	Kremer	Quandahl	Thompson
Bourne	Erdman	Louden	Raikes	Vrtiska
Brashear	Friend	Maxwell	Redfield	Wehrbein
Bromm	Hartnett	McDonald	Schimek	
Burling	Hudkins	Mines	Schrock	
Byars	Janssen	Mossey	Smith	
Connealy	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Kruse	Preister

Excused and not voting, 5:

Brown	Combs	Foley	Landis	Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Revised Statutes Supplement, 2002; to reference statutes within the named act; 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	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Price	Synowiecki
Brashear	Erdman	Kruse	Quandahl	Thompson
Bromm	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Preister

Excused and not voting, 4:

Brown Foley Landis Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to gaming; to amend sections 9-203, 9-303, 9-403, and 9-603.01, Reissue Revised Statutes of Nebraska, and section 9-603, Revised Statutes Supplement, 2002; to correct internal references; to transfer a definitional section; 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	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Price	Synowiecki
Bromm	Erdman	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 4:

Brown	Foley	Landis	Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to liens; to amend sections 52-1302, 52-1313, 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska, section 52-1307, Revised Statutes Supplement, 2002, and sections 9-315, 9-320, 9-529, and 9-531, Uniform Commercial Code; to correct internal references relating to the filing system for farm product security interests; to delete obsolete 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, 44:

Aguilar	Combs	Jensen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Price	Synowiecki
Brashear	Engel	Kruse	Quandahl	Thompson
Bromm	Erdman	Louden	Raikes	Tyson
Burling	Friend	Maxwell	Redfield	Vrtiska
Byars	Hudkins	McDonald	Schimek	Wehrbein
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 4:

Brown	Foley	Hartnett	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to airports; to amend section 3-201, Reissue Revised Statutes of Nebraska, and sections 3-501, 3-508, and 3-513, Revised Statutes Supplement, 2002; to correct internal references to the Cities Airport Authorities Act; 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	Combs	Jensen	Mossey	Schrock
Baker	Connealy	Johnson	Pedersen, Dw.	Smith
Beutler	Cudaback	Jones	Pederson, D.	Stuhr
Bourne	Cunningham	Kremer	Preister	Stuthman
Brashear	Engel	Kruse	Price	Synowiecki
Bromm	Erdman	Louden	Quandahl	Thompson
Burling	Friend	Maxwell	Raikes	Tyson
Byars	Hudkins	McDonald	Redfield	Vrtiska
Chambers	Janssen	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Brown Foley Hartnett Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5237.01, 44-5242, 44-6904, and 44-6908, Reissue Revised Statutes of Nebraska, and section 44-4206.02, Revised Statutes Supplement, 2002; to correct references to federal law; 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	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown 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 7 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-121, 85-121.03, 85-943, 85-966.01, 85-1412, 85-1413, and 85-1414, Reissue Revised Statutes of Nebraska; to repeal obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-121.05, 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	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown 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 8.

A BILL FOR AN ACT relating to the Nebraska Commission on Local Government Innovation and Restructuring; to amend sections 77-913 and 81-1113, Revised Statutes Supplement, 2002; to repeal provisions that terminated on July 1, 2000; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2301 to 13-2304, 13-2306, and 13-2307, Reissue Revised Statutes of Nebraska, and section 13-2305, Revised Statutes Supplement, 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	Conneally	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to budgets; to amend section 13-519, Revised Statutes Supplement, 2002; to delete obsolete 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, 47:

Aguilar	Conneally	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to the Reorganized School Assistance Fund; to repeal the fund which terminated on September 2, 1999; and to outright repeal section 79-1010.01, Revised Statutes Supplement, 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	Conneally	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to the Accounting Division Cash Fund; to repeal provisions that terminated on July 1, 2000; and to outright repeal section 81-1110.02, Revised Statutes Supplement, 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	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to the Education and Career Preparation Task Force; to repeal provisions relating to the task force which terminated on December 31, 2000; and to outright repeal sections 79-763 to 79-770, Revised Statutes Supplement, 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	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown 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 67 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 67. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 10-704, 79-4,102, 79-527, 79-554, 79-1303, 79-1305 to 79-1307, and 79-1324, Reissue Revised Statutes of Nebraska, and sections 79-101, 79-2,135, 79-528, 79-565, 79-598, 79-602, 79-1007.02, 79-1022, 79-1023, 79-1024, 79-1026 to 79-1029, 79-1070, 79-1083.02, 79-1083.03, 79-10,110, 79-1135, 79-1155, 79-1156, and 79-1167, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to bonds, elections, education, transportation, state aid, special education, and educational technology; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-4,105, 79-1308, 79-1309, and 79-1311, Reissue Revised Statutes of Nebraska, and sections 79-4,106, 79-763 to 79-770, 79-8,118 to 79-8,123, and 79-1010.01, Revised Statutes Supplement, 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	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown 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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105, 85-108, 85-112, 85-118, 85-131, 85-132, 85-194, and 85-1,119, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to and to provide for governance; to eliminate provisions relating to University Hospital and the College of Medicine; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-110, 85-112.01, 85-112.02, 85-113, 85-139, 85-172, 85-178, 85-184, 85-185, 85-190, 85-1,118, 85-1,120, 85-1,121, and 85-1,124, 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	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 70. With Emergency.

A BILL FOR AN ACT relating to liens; to amend section 52-1603, Reissue Revised Statutes of Nebraska; to change provisions relating to the master lien list; 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, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 1:

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 71.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-338, Revised Statutes Supplement, 2002; to change provisions relating to the Nebraska Installment Sales Act; 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	Combs	Jensen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Erdman	Landis	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

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 103.

A BILL FOR AN ACT relating to rules of the road; to amend section 60-6,294.01, Reissue Revised Statutes of Nebraska; to change the speed limit for agricultural floater-spreader implements; 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	Connealy	Jensen	Mossey	Schrock
Baker	Cudaback	Jones	Pedersen, Dw.	Smith
Bourne	Cunningham	Kremer	Pederson, D.	Stuhr
Brashear	Engel	Kruse	Preister	Stuthman
Bromm	Erdman	Landis	Price	Synowiecki
Brown	Foley	Louden	Quandahl	Thompson
Burling	Friend	Maxwell	Raikes	Tyson
Byars	Hudkins	McDonald	Redfield	Vrtiska
Combs	Janssen	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Johnson

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 106.

A BILL FOR AN ACT relating to the Minority Scholarship Program Act; to amend section 85-9,181, Revised Statutes Supplement, 2002; to change fund use and administration procedures; 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

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.

LEGISLATIVE BILL 137. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,297, Reissue Revised Statutes of Nebraska; to change towing restrictions; 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Conneally	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

LEGISLATIVE BILL 182.

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.

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	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 1:

Chambers

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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 67, 68, 70, 71, 103, 106, 137, and 182.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 45. Placed on General File as amended.

Standing Committee amendment to LB 45:

AM0042

- 1 1. Strike original sections 1 to 11 and 13 and insert
- 2 the following new section:
- 3 "Sec. 2. Original section 71-5713, Reissue Revised
- 4 Statutes of Nebraska, is repealed."
- 5 2. Renumber the remaining section accordingly.

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

LB 619 Thursday, February 6, 2003

1:30 p.m.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 122. Senator Chambers renewed his pending motion, found on page 339, to reconsider the vote.

SENATOR CUDABACK PRESIDING

Senator Chambers withdrew his motion.

Senator Schrock offered the following amendment:

AM0132

- 1 1. On page 2, strike beginning with "not" in line 11
- 2 through "and" in line 12 and show the old matter as stricken; and
- 3 in line 12 strike "four" and insert "three".

The Schrock amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 19. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

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

LEGISLATIVE BILL 20. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 48. 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 191. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 281. 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 295. Title read. Considered.

Senator Baker offered the following amendment:
AM0104

1 1. Strike section 1 and insert the following new
2 sections:
3 "Section 1. Section 77-112, Revised Statutes Supplement,
4 2002, is amended to read:
5 77-112. Actual value of real property for purposes of
6 taxation means the market value of real property in the ordinary
7 course of trade. Actual value may be determined using
8 professionally accepted mass appraisal methods, including, but not
9 limited to, the (1) sales comparison approach using the guidelines
10 in section 77-1371, (2) income approach, and (3) cost approach.
11 Sec. 3. Section 77-1371, Revised Statutes Supplement,
12 2002, is amended to read:
13 77-1371. Comparable sales are recent sales of properties
14 that are similar in important physical, functional, and location
15 characteristics to the property being assessed. When using
16 comparable sales in determining actual value of an individual
17 property under the sales comparison approach provided in section
18 77-112, the following guidelines shall be considered in determining
19 what constitutes a comparable sale:
20 (1) Whether the sale was financed by the seller and
21 included any special financing considerations or the value of
22 improvements;
23 (2) Whether zoning affected the sale price of the
24 property;
25 (3) For sales of agricultural land or horticultural land
as defined in section 77-1359, whether a premium was paid to
acquire nearby property. Land within one mile of currently owned
property shall be considered nearby property;
26 (4) Whether sales or transfers made in connection with
foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,
or in consideration of other legal actions should be excluded from
comparable sales analysis as not reflecting current market value;
27 (5) Whether sales between family members within the third
degree of consanguinity include considerations that fail to reflect
28 current market value;
29 (6) Whether sales to or from federal or state agencies or
30 local political subdivisions reflect current market value;
31 (7) Whether sales of undivided interests in real property
or parcels less than forty acres or sales conveying only a portion
32 of the unit assessed reflect current market value;
33 (8) Whether sales or transfers of property in exchange
for other real estate, stocks, bonds, or other personal property
34 reflect current market value;
35 (9) Whether deeds recorded for transfers of convenience,
transfers of title to cemetery lots, mineral rights, and rights of
easement reflect current market value;
36 (10) Whether sales or transfers of property involving
railroads or other public utility corporations reflect current
37 market value;

- 26 (11) Whether sales of property substantially improved
27 subsequent to assessment and prior to sale should be adjusted to
1 reflect current market value or eliminated from such analysis; and
2 (12) For agricultural land or horticultural land as
3 defined in section 77-1359 which is or has been receiving the
4 special valuation pursuant to sections 77-1343 to 77-1348, whether
5 the sale price reflects a value which the land has for purposes or
6 uses other than as agricultural land or horticultural land and
7 therefor does not reflect current market value of other
8 agricultural land or horticultural land.
9 The Property Tax Administrator may issue guidelines for
10 assessing officials for use in determining what constitutes a
11 comparable sale. Guidelines shall take into account the factors
12 listed in this section and other relevant factors as prescribed by
13 the Property Tax Administrator."
14 2. On page 3, line 25, strike "77-1359 and 77-1361" and
15 insert "77-112, 77-1361, and 77-1371".
16 3. Renumber the remaining sections accordingly.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Maxwell asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Baker withdrew his amendment.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senators Landis and Loudon asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 15. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 357. Title read. Considered.

Pending.

STANDING COMMITTEE REPORTS Transportation and Telecommunications

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendment to LB 259:
AM0124

- 1 1. Strike original section 1.
- 2 2. On page 3, line 7, strike "74-1414," and strike the
- 3 last comma.
- 4 3. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

Revenue

LEGISLATIVE RESOLUTION 2CA. Placed on General File.

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendment to LB 319:
AM0112

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-1832, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-1832. Service of the notice provided by section
- 6 77-1831 shall be made by certified mail, return receipt requested,
- 7 ~~on every person in actual possession or occupancy of the real~~
- 8 ~~property,~~ upon the person in whose name the title to the real
- 9 property appears of record, to the address where the property tax
- 10 statement was mailed and upon every encumbrancer of record in the
- 11 office of the register of deeds of the county, ~~if, upon diligent~~
- 12 ~~inquiry, he or she can be found in the county.~~ Whenever the record
- 13 of a lien shows the post office address of the lienholder, notice
- 14 shall be sent by certified ~~or registered~~ mail, return receipt
- 15 requested, to the holder of such lien at the address appearing of
- 16 record.
- 17 Sec. 2. Section 77-1833, Reissue Revised Statutes of
- 18 Nebraska, is amended to read:
- 19 77-1833. The service of notice provided by section
- 20 77-1832 shall be proved by affidavit, and the notice and affidavit
- 21 shall be filed and preserved in the office of the county treasurer.
- 22 ~~When service of notice has been made upon a lienholder by certified~~
- 23 ~~or registered mail, the~~ The certified ~~or registered~~ mail return
- 24 receipt shall be filed with and accompany the return of service.
- 1 For each service of such notice, a fee of one dollar shall be
- 2 allowed. The amount of such fees shall be noted by the treasurer

3 in the sales book opposite the real property described in the
 4 notice and shall be collected by the treasurer in case of
 5 redemption for the benefit of the holder of the certificate.
 6 Sec. 3. Section 77-1834, Reissue Revised Statutes of
 7 Nebraska, is amended to read:
 8 77-1834. If ~~no person is in actual possession or~~
 9 ~~occupancy of such real property and~~ the person in whose name the
 10 title to the real property appears of record in the office of the
 11 register of deeds in the county cannot, upon diligent inquiry, be
 12 found, ~~in the county~~, then such purchaser or his or her assignee
 13 shall publish the notice in some newspaper published in the county
 14 and having a general circulation therein or, if no newspaper is
 15 printed in the county, then in a newspaper published in this state
 16 nearest to the county in which the real property is situated.
 17 Sec. 4. Original sections 77-1832 to 77-1834, Reissue
 18 Revised Statutes of Nebraska, are repealed.
 19 Sec. 5. Since an emergency exists, this act takes effect
 20 when passed and approved according to law."

LEGISLATIVE BILL 177. Indefinitely postponed.

LEGISLATIVE BILL 373. Indefinitely postponed.

LEGISLATIVE BILL 419. Indefinitely postponed.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 451. Placed on General File as amended.

Standing Committee amendment to LB 451:

AM0094

- 1 1. Strike original section 19 and insert the following
- 2 new section:
- 3 "Sec. 36. Since an emergency exists, this act takes
- 4 effect when passed and approved according to law."
- 5 2. On page 3, line 14; and page 57, line 7, after "or"
- 6 insert "following".
- 7 3. On page 7, line 6; and page 61, line 16, strike
- 8 "annuity starting date", show as stricken, and insert "date of
- 9 final account value".
- 10 4. On page 13, line 18, strike "that" and insert "than".
- 11 5. On page 15, line 1, before "date" insert "annuity
- 12 start" and strike the new matter; and in line 28 after "the" insert
- 13 "annuity start"; strike "of" and show as stricken, and strike
- 14 "distribution".
- 15 6. On page 24, line 24; and page 80, line 25, after
- 16 "payment" insert "or payments, except that the entire account must
- 17 be distributed by the fifth anniversary of the member's death".
- 18 7. On page 25, line 3, after "payment" insert "or
- 19 payments, except that the entire account must be distributed by the

- 20 fifth anniversary of the member's death"; and in line 8 before
 21 "date" insert "annuity start" and strike the new matter.
 22 8. On page 31, line 16, strike "seven", show as
 23 stricken, and insert "eight".
 24 9. On page 49, strike beginning with "(a)" in line 1
 1 through "birthday" in line 4, show as stricken, and insert "the
 2 date of the deceased member's death".
 3 10. On page 69, line 18, before "date" insert "annuity
 4 start" and strike the new matter.
 5 11. On page 70, line 17, after "the" insert "annuity
 6 start", strike "of" and show as stricken, and strike
 7 "distribution".
 8 12. On page 74, line 8, before "date" insert "annuity
 9 start" and strike the new matter.
 10 13. On page 80, line 24, strike "beneficiaries are" and
 11 insert "beneficiary is".
 12 14. On page 81, line 4, after "payment" insert "or
 13 payments, except that the entire account must be distributed by the
 14 fifth anniversary of the member's death"; and in line 9 strike
 15 "79-916,".
 16 15. Renumber the remaining sections and correct internal
 17 references accordingly.

(Signed) Elaine Stuhr, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications
 Room 1113

LB 296	Monday, February 10, 2003 (cancel)	1:30 p.m.
LB 296	Tuesday, March 4, 2003 (reschedule)	1:30 p.m.

(Signed) Tom Baker, Chairperson

Business and Labor
 Room 1524

LB 37	Monday, February 10, 2003	1:30 p.m.
LB 229	Monday, February 10, 2003	1:30 p.m.
LB 382	Monday, February 10, 2003	1:30 p.m.
LB 441	Monday, February 10, 2003	1:30 p.m.
LB 688	Monday, February 10, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Government, Military and Veterans Affairs
 Room 1507

LB 115	Wednesday, February 12, 2003	1:30 p.m.

LB 607	Wednesday, February 12, 2003	1:30 p.m.
LB 646	Wednesday, February 12, 2003	1:30 p.m.
LB 647	Wednesday, February 12, 2003	1:30 p.m.
LB 307	Thursday, February 13, 2003	1:30 p.m.
LB 626	Thursday, February 13, 2003	1:30 p.m.
LB 770	Thursday, February 13, 2003	1:30 p.m.
LB 430	Friday, February 14, 2003	1:30 p.m.
LB 521	Friday, February 14, 2003	1:30 p.m.
LB 605	Friday, February 14, 2003	1:30 p.m.
LB 727	Friday, February 14, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 30, 2003, at 10:15 a.m. were the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 67e, 68, 70e, 71, 103, 106, 137e, and 182.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 105:
Withdraw LB 105.

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 192. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 271. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 279. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 391. No objections. So ordered.

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 656. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob Stritzke from Fairbury; Rod Storm and

Scott Bovick from Blair; Phyllis Schoenholtz from Hebron; Leanne Manning, Randy Pryor, and Eric Stehlik from the Saline County Extension Office and Terry Hejny from the Fillmore County Extension Office; and 13 fourth-grade students and teacher from St. John's Lutheran School, Seward.

The Doctor of the Day was Brad Hupp from Albion.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Friday, January 31, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 31, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 31, 2003

PRAYER

The prayer was offered by Pastor Tom Peyton, Evangelical Free Church, Ord, Nebraska.

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 Senators McDonald and Mossey who were excused; and Senators Brown, Byars, Landis, Maxwell, Dw. Pedersen, Quandahl, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

MESSAGE FROM THE GOVERNOR

January 30, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 67e was received in my office on January 30, 2003.

This bill was signed by me on January 30, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 122. Placed on Select File as amended.
E & R amendment to LB 122:
AM7010

- 1 1. On page 1, line 4, strike "sections" and insert
- 2 "section".

LEGISLATIVE BILL 19. Placed on Select File.
LEGISLATIVE BILL 20. Placed on Select File.
LEGISLATIVE BILL 47. Placed on Select File.
LEGISLATIVE BILL 48. Placed on Select File.
LEGISLATIVE BILL 191. Placed on Select File.
LEGISLATIVE BILL 192. Placed on Select File.
LEGISLATIVE BILL 281. Placed on Select File.
LEGISLATIVE BILL 295. Placed on Select File.
LEGISLATIVE BILL 14. Placed on Select File.
LEGISLATIVE BILL 15. Placed on Select File.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT Agriculture

LEGISLATIVE BILL 158. Placed on General File as amended.
Standing Committee amendment to LB 158:
AM0125

- 1 1. Strike original section 62 and insert the following
- 2 new sections:
- 3 "Sec. 62. Section 54-2238, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 54-2238. Accredited veterinarian shall mean a
- 6 veterinarian approved by the Deputy Administrator of the United
- 7 States Department of Agriculture in accordance with 9 C.F.R. part
- 8 161, in effect on January 1, 2002.
- 9 Sec. 63. Section 54-2244, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 54-2244. Circle testing shall mean testing of a random
- 12 sample of each swine herd located within ~~one mile~~ two miles of the
- 13 affected premises if in a Stage II, ~~III~~, or ~~IV~~ status area and
- 14 within ~~one and one-half~~ five miles if in a Stage ~~III~~ V status area.
- 15 ~~Stage~~ Stages II, III, IV, and ~~Stage III~~ V status areas
- 16 are established pursuant to the Part III Program Stages and
- 17 Requirements of the State-Federal-Industry Program Standards for
- 18 Pseudorabies Eradication as approved by the United States
- 19 Department of Agriculture, Animal and Plant Health Inspection
- 20 Service, Veterinary Services, in effect on ~~July 19, 1996~~ January 1,

21 2002.

22 Sec. 64. Section 54-2254, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 54-2254. Official test shall mean any testing procedure
1 recognized for use in the diagnosis of pseudorabies by (1) the
2 United States Department of Agriculture in 9 C.F.R. part 85, in
3 effect on ~~July 19, 1996~~ January 1, 2002, or (2) the department in
4 rules and regulations adopted and promulgated pursuant to the
5 Pseudorabies Control and Eradication Act.

6 Sec. 65. Section 54-2277, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 54-2277. Each owner or the authorized representative of
9 the owner of a swine herd under quarantine shall file a swine herd
10 cleanup plan with the department within ~~thirty seven~~ thirty days after the
11 date of issuance of the quarantine. ~~Each owner or the authorized~~
12 ~~representative of the owner of a quarantined swine herd shall~~
13 ~~follow as standards in the preparation of a swine herd cleanup plan~~
14 ~~the rules and regulations adopted and promulgated by the department~~
15 ~~based, as far as reasonably practical, upon the Herd Cleanup Plan~~
16 ~~Manual prepared by the Livestock Conservation Institute as such~~
17 ~~manual existed on January 1, 1991.~~

18 Sec. 66. Section 54-2280, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-2280. Cleanup testing ~~may~~ shall include testing of ~~up~~
21 ~~to~~ one hundred percent of the swine in an affected swine herd for
22 the purpose of removing infected swine. ~~; or it may be a random~~
23 ~~sample of the affected swine herd to determine the current level of~~
24 ~~pseudorabies within the affected swine herd.~~

25 Sec. 67. Section 54-2287, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 54-2287. (1) The department shall continually conduct a
1 feeder and breeding swine testing program. Under the program, the
2 department may require testing of both feeder and breeding swine
3 whenever such swine are moving in commerce through concentration
4 points or whenever feeder and breeding swine are sold at private
5 treaty.

6 (2) The department shall assign a status swine herd title
7 to those swine herds which meet the requirements developed by the
8 department for such title. Such requirements shall include (a) the
9 method and number of swine subjected to testing, (b) the procedure
10 for herd additions, deletions, and movement into and out of such
11 herds, and (c) a legal description of the land on which facilities
12 are located to maintain a qualified pseudorabies negative herd; ~~a~~
13 ~~qualified negative gene-altered vaccinated herd, or a qualified~~
14 ~~pseudorabies negative growout herd. ; or a quarantined status~~
15 ~~swine herd.~~

16 (3) The department may cancel or suspend the title of a
17 ~~pseudorabies monitored herd, a qualified pseudorabies negative~~
18 ~~herd, a qualified negative gene-altered vaccinated herd, or a~~

19 qualified pseudorabies negative growout herd for failure to meet
20 the requirements of subsection (2) of this section. The department
21 shall not renew such titles if the approved testing schedule is not
22 adhered to.

23 Sec. 68. Section 54-2289, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 54-2289. For the protection of the livestock industry in
26 Nebraska and to aid in achieving the purposes of the Pseudorabies
27 Control and Eradication Act, the department shall regulate the sale
1 and use of pseudorabies vaccine. The department may restrict the
2 sale and use of pseudorabies vaccine and when deemed appropriate by
3 the department may require the use of pseudorabies vaccine. The
4 department shall require detailed record keeping and reporting by
5 persons involved in the sale or use, or both, of such vaccine.

6 Sec. 69. Section 54-2290, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 54-2290. The department shall adopt and promulgate rules
9 and regulations to aid in implementing the Pseudorabies Control and
10 Eradication Act. The rules and regulations may include, but shall
11 not be limited to, provisions governing:

12 (1) The conduct of the feeder and breeding swine testing
13 program, including provisions governing: (a) When, where, how, by
14 whom, and how often testing is to be done; (b) what swine are to be
15 subjected to testing; (c) how and by whom results of testing are to
16 be recorded; (d) by whom and to whom the results of the testing are
17 to be reported; and (e) how, by whom, and for what purposes such
18 results will be utilized;

19 (2) The conduct of the pseudorabies control and
20 eradication program, including provisions governing: (a) When,
21 where, how, by whom, and how often testing is to be done; (b) what
22 swine are to be subjected to testing; (c) requirements of swine
23 herd cleanup plans, including form, execution, contents, duration,
24 amendments, and enforcement; (d) how and by whom results of testing
25 are to be recorded; (e) by whom and to whom the results of the
26 testing are to be reported; (f) how, by whom, and for what purposes
27 such results will be utilized; and (g) assignment of and
1 requirements for titles for status swine herds and the suspension,
2 expiration, and cancellation of such titles;

3 (3) The conduct of surveillance in swine herds and at
4 slaughter establishments and concentration points, including
5 provisions governing: (a) When, where, how, by whom, and how often
6 testing is to be done; (b) what swine and swine herds are to be
7 subjected to testing; (c) how and by whom results of testing are to
8 be recorded and reported; and (d) the use of the results of testing
9 by the department;

10 (4) Importation of swine, including provisions governing:
11 (a) Age, origin, entry, movement, and destination in the state; (b)
12 when, where, how, by whom, and how often imported swine are to be
13 subjected to testing; (c) what imported swine are to be subjected

- 14 to testing; and (d) how testing results are to be recorded,
15 reported, and utilized;
- 16 (5)(a) What constitutes a program area; (b) what
17 epidemiological factors will be considered in determining the
18 program area; and (c) when and for what purpose a program activity
19 will be selected;
- 20 (6) The issuance and release of quarantines and the
21 requirements regarding the handling, movement, and disposition of
22 livestock under quarantine;
- 23 (7) The cleaning and disinfecting of affected premises,
24 including provisions governing: (a) The materials to be used; (b)
25 the procedures to be used; and (c) when such procedures are to be
26 performed;
- 27 (8) The testing of livestock to detect pseudorabies,
1 including provisions governing: (a) Which tests are to be deemed
2 official tests; (b) by whom the testing is to be administered; (c)
3 how the testing is to be conducted; (d) the reaction tolerances to
4 be recognized; and (e) the classification of results as to
5 negative, suspect, or positive. These rules and regulations shall
6 be consistent with the best available scientific information
7 relative to the control and eradication of pseudorabies;
- 8 (9) The pseudorabies vaccination program, including
9 provisions governing: (a) The vaccines to be used; (b) the age of
10 the swine to be vaccinated; (c) the effect of vaccination on the
11 interpretation of test results; and (d) the reported sale and use
12 of vaccine;
- 13 (10) The identification of swine subject to the act,
14 including provisions governing: (a) Exposed and infected swine; (b)
15 vaccinated swine; and (c) swine to be tested;
- 16 ~~(11) Classification of concentration points, including~~
17 ~~provisions governing: (a) Use and time of use of common areas by~~
18 ~~swine from (i) a swine herd under quarantine, (ii) swine from a~~
19 ~~status swine herd; and (iii) swine from a herd which is not a~~
20 ~~status swine herd; (b) the degree of separation of the swine~~
21 ~~described in subdivisions (a)(i) through (iii) of this subdivision;~~
22 ~~and (c) purposes for which swine exit the concentration point;~~
- 23 ~~(12) Criteria and restrictions for approved breeding~~
24 ~~facilities, approved feeding facilities, and restricted premises;~~
25 ~~including provisions governing: (a) Epidemiological investigation~~
26 ~~of the swine herd; (b) adjoining land characteristics; (c)~~
27 ~~proximity of other livestock; (d) benefit of approved breeding~~
1 ~~facilities to the state; and (e) other factors which make approved~~
2 ~~breeding facilities, approved feeding facilities, or restricted~~
3 ~~premises detrimental to the livestock industry of the state;~~
- 4 ~~(13) (11) Random sampling of swine herds, including~~
5 ~~provisions governing: (a) When, where, how, by whom, and how often~~
6 ~~a random sample is to be used in testing swine herds; (b) when and~~
7 ~~for what purpose a random sample of a swine herd will be subjected~~
8 ~~to testing; (c) the number of feeder, breeding, and other swine in~~

9 a particular status swine herd or in a swine herd which is not a
10 status swine herd constituting a random sample to be subjected to
11 testing; (d) the age of swine in a status swine herd and a swine
12 herd which is not a status swine herd to be used as a random sample
13 and subjected to testing; and (e) how testing results are to be
14 recorded, reported, and utilized;

15 ~~(14)~~ (12) Compliance with Part III Program Stages and
16 Requirements of the State-Federal-Industry Program Standards for
17 Pseudorabies Eradication as approved by the United States
18 Department of Agriculture, Animal and Plant Health Inspection
19 Service, Veterinary Services, in effect on ~~July 19, 1996~~ January 1,
20 2002;

21 ~~(15)~~ (13) Compliance with 9 C.F.R. part 85, in effect on
22 ~~July 19, 1996~~ January 1, 2002, for pseudorabies control and
23 eradication;

24 ~~(16)~~ (14) Administration of the pseudorabies control and
25 eradication program subject to the availability of state funds;

26 ~~(17)~~ (15) The assessment and collection of costs for
27 services provided and expenses, not to exceed actual costs,
1 incurred under the act;

2 ~~(18)~~ (16) The preparation, maintenance, handling, filing,
3 and disposition of records and reports by persons subject to the
4 act concerning the vaccination, testing, or movement of swine;

5 ~~(19)~~ (17) Program activities and cleanup testing under
6 the act on which state funds, if appropriated and available, shall
7 be used by the department and limitations on use of such state
8 funds for testing and other activities under the act; and

9 ~~(20)~~ (18) Any other areas deemed necessary by the
10 department to effectively control and eradicate pseudorabies.

11 Sec. 70. Section 54-2296, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 54-2296. (1) When testing is to be performed pursuant to
14 the Pseudorabies Control and Eradication Act, the owner of the
15 swine shall be responsible for gathering, confining, and
16 restraining such swine for testing and for providing the necessary
17 facilities and assistance.

18 (2) The department may provide state funds for certain
19 activities or any portion thereof in connection with the
20 implementation of the act to or on behalf of swine herd owners if
21 funds for such activities or any portion thereof have been
22 appropriated and are available. The department shall develop
23 statewide priorities for the expenditure of state funds available
24 for program activities.

25 (3) Part of such state funds may be used by the
26 department to pay a portion of the cost of testing done by or for
27 accredited veterinarians if such work is approved by the
1 department. All of such testing shall be performed by or under the
2 direct supervision of the accredited veterinarian, except that
3 nothing in this subsection shall restrict an employee of the state
4 or federal government in the performance of such employee's duties
5 under the act or federal law.

6 (4) In administering the act and programs pursuant
 7 thereto, the department shall not pay for (a) testing done for
 8 change of ownership at private treaty or at concentration points,
 9 (b) costs of gathering, confining, and restraining swine subjected
 10 to testing or costs of providing necessary facilities and
 11 assistance, ~~and (c) the cost of vaccine, and (d) the cost of~~
 12 testing to qualify or maintain a status swine herd.

13 Sec. 71. Section 54-2299, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 54-2299. In administering the Pseudorabies Control and
 16 Eradication Act and conducting program activities authorized by the
 17 act, the department shall as far as reasonably practical conform
 18 its program activities to Part III Program Stages and Requirements
 19 of the State-Federal-Industry Program Standards for Pseudorabies
 20 Eradication as approved by the United States Department of
 21 Agriculture, Animal and Plant Health Inspection Service, Veterinary
 22 Services, in effect on ~~July 19, 1996~~ January 1, 2002.

23 Sec. 72. Sections 1 to 61 of this act become operative
 24 on January 1, 2004. The other sections of this act become
 25 operative on their effective date.

26 Sec. 73. Original sections 54-2238, 54-2244, 54-2254,
 27 54-2277, 54-2280, 54-2287, 54-2289, 54-2290, 54-2296, and 54-2299,
 1 Reissue Revised Statutes of Nebraska, are repealed.

2 Sec. 74. The following sections are outright repealed:
 3 Sections 54-2261, 54-2282, 54-2284, and 54-2285, Reissue Revised
 4 Statutes of Nebraska.

5 Sec. 75. Since an emergency exists, this act takes
 6 effect when passed and approved according to law."

7 2. On page 2, line 15, after the period insert "All
 8 citations to the Code of Federal Regulations, C.F.R., in the act
 9 refer to such regulations as they existed on January 1, 2003.".

10 3. Underscore original sections 1 to 61.

(Signed) Bob Kremer, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

LB 63	Tuesday, February 11, 2003	1:30 p.m.
LB 64	Tuesday, February 11, 2003	1:30 p.m.
LB 230	Tuesday, February 11, 2003	1:30 p.m.
LB 212	Tuesday, February 11, 2003	1:30 p.m.

LB 374	Tuesday, February 18, 2003	1:30 p.m.
LB 169	Tuesday, February 18, 2003	1:30 p.m.
LB 735	Tuesday, February 18, 2003	1:30 p.m.
LB 636	Tuesday, February 18, 2003	1:30 p.m.

(Signed) Bob Kremer, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 27.** Introduced by Burling, 33.

WHEREAS, Tyler Cramer of Troop 200, Hastings, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; 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 Saturday, March 1, 2003, Tyler Cramer 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Tyler Cramer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tyler Cramer.

Laid over.

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

New Hire Report which discloses the number of employees reported to the Department and the number of matches during the preceding calendar year

Operator's Licenses Suspended Annual Report

State Disbursement Unit Report

Treasurer, State

2001 and 2002 Biennial Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 30, 2003, 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

Barrette, John Barger
Tax Research Council, Inc., Nebraska

Brasch, Beatty
Center For People In Need

Bunger, Ken
Hall County, Nebraska

Cutshall & Associates
Grand Island Area Economic Development Corporation

Dierks, Merton L.
Chiropractic Physicians Association, Nebraska
Savoy County

Fram Jr., A. James
Lincoln Chamber of Commerce

Jeffrey, Jean S.
Center For People In Need

Kissel/Erickson & Sederstrom Associates, L.L.C.
Network Association, NE

Larsen, Carlin L.
Qwest Communications (formerly US West)

Radcliffe, Walter H. of Radcliffe & Associates
IMS Health

Riskowski, Alvin
Nonpartisan Family Coalition

Simino, Charles G.
Sprint

Sittig, Bonnie
Center For People In Need

GENERAL FILE

LEGISLATIVE BILL 357. Considered.

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

Advanced to E & R for review with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No

objections. So ordered.

LEGISLATIVE BILL 358. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 359. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

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

SENATOR ENGEL PRESIDING

LEGISLATIVE BILL 34. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE RESOLUTION 16CA. Placed on General File.

LEGISLATIVE BILL 114. Placed on General File.

LEGISLATIVE BILL 257. Placed on General File.

LEGISLATIVE BILL 331. Placed on General File.

LEGISLATIVE BILL 99. Placed on General File as amended.

Standing Committee amendment to LB 99:

AM0140

- 1 1. On page 3, lines 11 and 12; and page 4, lines 15
- 2 through 17, strike the new matter.
- 3 2. On page 3, line 22, strike "to", show as stricken,
- 4 and insert "or"; and strike line 23, show as stricken, and insert
- 5 "If the committee has five members, at least one but no more than
- 6 two members of the committee shall be in the hotel industry. If
- 7 the committee has seven members, at least two but no more than
- 8 three members of the committee shall be in the hotel industry.".

LEGISLATIVE BILL 77. Indefinitely postponed.

LEGISLATIVE BILL 88. Indefinitely postponed.

LEGISLATIVE BILL 330. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE RESOLUTION 18CA. Placed on General File as amended.

Standing Committee amendment to LR 18CA:

AM0166

- 1 1. On page 3, lines 11 through 14, strike the new matter
- 2 and insert "provide that a portion of the value of any residence
- 3 actually occupied as a homestead by any classification of owners is
- 4 exempt from that portion of the levy that does not require approval
- 5 of the voters of one or more political subdivisions as determined
- 6 by the Legislature"; and in line 19 strike "levy or part" and
- 7 insert "portion".

(Signed) David Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 52. Placed on General File.

LEGISLATIVE BILL 150. Placed on General File as amended.

Standing Committee amendment to LB 150:

AM0116

- 1 1. Strike beginning with the last "the" on page 2, line
- 2 28, through the period on page 3, line 1, show as stricken, and
- 3 insert "Each fiscal year in which such agency is required to file
- 4 an audit report or in which an audit report of such agency is
- 5 prepared.".

LEGISLATIVE BILL 365. Placed on General File as amended.

Standing Committee amendment to LB 365:

AM0117

- 1 1. Insert the following new section:
- 2 "Section 1. Section 16-404, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-404. (1) All ordinances and resolutions or orders for
- 5 the appropriation or payment of money shall require for their
- 6 passage or adoption the concurrence of a majority of all members
- 7 elected to the council. The mayor may vote on any such matter when
- 8 his or her vote will provide the additional vote required to create
- 9 a number of votes equal to a majority of the number of members
- 10 elected to the council, and the mayor shall, for the purpose of

11 such vote, be deemed to be a member of the council.

12 (2) Ordinances of a general or permanent nature shall be
13 read by title on three different days unless three-fourths of the
14 council members vote to suspend this requirement, except that in a
15 city having a commission form of government such requirement may be
16 suspended by a three-fifths majority vote. Regardless of the form
17 of government, such requirement shall not be suspended for any
18 ordinance for the annexation of territory. In case such
19 requirement is suspended, the ordinances shall be read by title or
20 number and then moved for final passage. Three-fourths of the
21 council members may require a reading of any such ordinance in full
22 before enactment under either procedure set out in this section,
23 except that in a city having a commission form of government such
24 reading may be required by a three-fifths majority vote.

1 (3) Ordinances shall contain no subject which is not
2 clearly expressed in the title, and, except as provided in section
3 19-915, no ordinance or section thereof shall be revised or amended
4 unless the new ordinance contains the entire ordinance or section
5 as revised or amended and the ordinance or section so amended is
6 repealed, except that:

7 (a) For ~~for~~ an ordinance revising all the ordinances of
8 the city, the only title necessary shall be An ordinance of the
9 city of, revising all the ordinances of the city. Under
10 such title all the ordinances may be revised in sections and
11 chapters or otherwise, may be corrected, added to, and any part
12 suppressed, and may be repealed with or without a saving clause as
13 to the whole or any part without other title; and

14 (b) For an ordinance revising ordinances or code sections
15 of the city or enacting new ordinances or code sections in order to
16 adopt statutory changes made by the Legislature which are mandatory
17 and bring the ordinances or code sections into conformance with
18 state law, the title need only state that the ordinance revises
19 those ordinances or code sections affected by or enacts ordinances
20 or code sections generated by legislative changes. Under such
21 title, all such ordinances or code sections may be revised,
22 repealed, or enacted in sections and chapters or otherwise by a
23 single ordinance without other title."

24 2. On page 3, line 3, after "Legislature" insert "which
25 are mandatory"; in line 11 after "section" insert "16-404, Reissue
26 Revised Statutes of Nebraska, and section"; and in line 12 strike
27 "is" and insert "are".

1 3. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance
Room 1507

LB 464	Monday, February 10, 2003	1:30 p.m.
LB 494	Monday, February 10, 2003	1:30 p.m.
LB 687	Monday, February 10, 2003	1:30 p.m.
LB 747	Monday, February 10, 2003	1:30 p.m.
LB 693	Tuesday, February 11, 2003	1:30 p.m.
LB 487	Tuesday, February 11, 2003	1:30 p.m.
LB 258	Tuesday, February 11, 2003	1:30 p.m.
LB 436	Tuesday, February 11, 2003	1:30 p.m.

(Signed) Mark Quandahl, Chairperson

GENERAL FILE

LEGISLATIVE BILL 30. Title read. Considered.

The Standing Committee amendment, AM0048, found on page 302, was considered.

Senator Schrock renewed his pending amendment, AM0098, found on page 322, to the Standing Committee amendment.

Senator Schrock withdrew his amendment.

The Standing Committee amendment lost with 0 ayes, 24 nays, 18 present and not voting, and 7 excused and not voting.

Senator Beutler offered the following amendment:
AM0164

- 1 1. On page 2, line 11, after the comma insert "whether
- 2 the violator has been previously convicted or subjected to a civil
- 3 penalty under this section.".

The Beutler 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 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 93. Title read. Considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment, AM0049, found on page 303, was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and

not voting.

Senator Synowiecki asked unanimous consent to be excused. 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 Bourne asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 168. Title read. Considered.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Judiciary Room 1113

LB 491	Wednesday, February 12, 2003	1:30 p.m.
LB 24	Wednesday, February 12, 2003	1:30 p.m.
LB 104	Wednesday, February 12, 2003	1:30 p.m.
LB 146	Wednesday, February 12, 2003	1:30 p.m.
LB 162	Wednesday, February 12, 2003	1:30 p.m.
LB 314	Wednesday, February 12, 2003	1:30 p.m.
LB 384	Wednesday, February 12, 2003	1:30 p.m.
LB 294	Wednesday, February 12, 2003	1:30 p.m.
LB 46	Thursday, February 13, 2003	1:30 p.m.
LB 422	Thursday, February 13, 2003	1:30 p.m.
LB 423	Thursday, February 13, 2003	1:30 p.m.
LB 455	Friday, February 14, 2003	1:30 p.m.
LB 458	Friday, February 14, 2003	1:30 p.m.
LB 522	Friday, February 14, 2003	1:30 p.m.
LB 542	Friday, February 14, 2003	1:30 p.m.
LB 789	Friday, February 14, 2003	1:30 p.m.
LB 87	Friday, February 14, 2003	1:30 p.m.
LB 298	Friday, February 14, 2003	1:30 p.m.
LB 225	Friday, February 14, 2003	1:30 p.m.
LB 231	Wednesday, February 19, 2003	1:30 p.m.
LB 260	Wednesday, February 19, 2003	1:30 p.m.
LB 304	Wednesday, February 19, 2003	1:30 p.m.
LB 361	Wednesday, February 19, 2003	1:30 p.m.

LB 614	Wednesday, February 19, 2003	1:30 p.m.
LB 681	Wednesday, February 19, 2003	1:30 p.m.
LB 512	Thursday, February 20, 2003	1:30 p.m.
LB 566	Thursday, February 20, 2003	1:30 p.m.
LB 602	Thursday, February 20, 2003	1:30 p.m.
LB 629	Friday, February 21, 2003	1:30 p.m.
LB 591	Friday, February 21, 2003	1:30 p.m.
LB 732	Friday, February 21, 2003	1:30 p.m.
LB 772	Friday, February 21, 2003	1:30 p.m.
LB 788	Friday, February 21, 2003	1:30 p.m.
LB 377	Wednesday, February 26, 2003	1:30 p.m.
LB 460	Wednesday, February 26, 2003	1:30 p.m.
LB 768	Wednesday, February 26, 2003	1:30 p.m.
LB 271	Wednesday, February 26, 2003	1:30 p.m.
LB 515	Wednesday, February 26, 2003	1:30 p.m.
LB 547	Wednesday, February 26, 2003	1:30 p.m.
LB 617	Wednesday, February 26, 2003	1:30 p.m.
LB 613	Wednesday, February 26, 2003	1:30 p.m.
LB 628	Wednesday, February 26, 2003	1:30 p.m.
LB 364	Thursday, February 27, 2003	1:30 p.m.
LB 610	Thursday, February 27, 2003	1:30 p.m.
LB 662	Thursday, February 27, 2003	1:30 p.m.
LB 139	Thursday, February 27, 2003	1:30 p.m.
LB 203	Thursday, February 27, 2003	1:30 p.m.
LB 129	Thursday, February 27, 2003	1:30 p.m.
LB 17	Thursday, February 27, 2003	1:30 p.m.
LB 118	Friday, February 28, 2003	1:30 p.m.
LB 201	Friday, February 28, 2003	1:30 p.m.
LB 240	Friday, February 28, 2003	1:30 p.m.
LB 269	Friday, February 28, 2003	1:30 p.m.
LB 315	Friday, February 28, 2003	1:30 p.m.
LB 354	Friday, February 28, 2003	1:30 p.m.
LB 495	Friday, February 28, 2003	1:30 p.m.
LB 43	Wednesday, March 5, 2003	1:30 p.m.
LB 133	Wednesday, March 5, 2003	1:30 p.m.
LB 132	Wednesday, March 5, 2003	1:30 p.m.
LB 184	Wednesday, March 5, 2003	1:30 p.m.
LB 336	Wednesday, March 5, 2003	1:30 p.m.
LB 346	Wednesday, March 5, 2003	1:30 p.m.
LB 459	Wednesday, March 5, 2003	1:30 p.m.
LB 25	Thursday, March 6, 2003	1:30 p.m.
LB 428	Thursday, March 6, 2003	1:30 p.m.

LB 456	Thursday, March 6, 2003	1:30 p.m.
LB 589	Thursday, March 6, 2003	1:30 p.m.
LB 655	Thursday, March 6, 2003	1:30 p.m.
LB 675	Thursday, March 6, 2003	1:30 p.m.
LB 746	Thursday, March 6, 2003	1:30 p.m.
LB 625	Thursday, March 6, 2003	1:30 p.m.
LB 211	Wednesday, March 12, 2003	1:30 p.m.
LB 438	Wednesday, March 12, 2003	1:30 p.m.
LB 474	Wednesday, March 12, 2003	1:30 p.m.
LB 670	Wednesday, March 12, 2003	1:30 p.m.
LB 674	Wednesday, March 12, 2003	1:30 p.m.
LB 604	Wednesday, March 12, 2003	1:30 p.m.
LB 632	Wednesday, March 12, 2003	1:30 p.m.
LB 535	Wednesday, March 12, 2003	1:30 p.m.
LB 526	Thursday, March 13, 2003	1:30 p.m.
LB 528	Thursday, March 13, 2003	1:30 p.m.
LB 781	Thursday, March 13, 2003	1:30 p.m.
LB 791	Thursday, March 13, 2003	1:30 p.m.
LR 10CA	Thursday, March 13, 2003	1:30 p.m.
LB 378	Wednesday, March 19, 2003	1:30 p.m.
LB 395	Wednesday, March 19, 2003	1:30 p.m.
LB 493	Wednesday, March 19, 2003	1:30 p.m.
LB 593	Wednesday, March 19, 2003	1:30 p.m.
LB 664	Wednesday, March 19, 2003	1:30 p.m.
LB 347	Wednesday, March 19, 2003	1:30 p.m.
LB 23	Wednesday, March 19, 2003	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Urban Affairs
Room 1510

LB 339	Tuesday, February 11, 2003	1:30 p.m.
LB 650	Tuesday, February 11, 2003	1:30 p.m.
LB 690	Tuesday, February 11, 2003	1:30 p.m.
LB 790	Tuesday, February 11, 2003	1:30 p.m.
LB 792	Tuesday, February 11, 2003	1:30 p.m.
LB 549	Tuesday, February 18, 2003	1:30 p.m.
LB 716	Tuesday, February 18, 2003	1:30 p.m.
LB 717	Tuesday, February 18, 2003	1:30 p.m.
LB 718	Tuesday, February 18, 2003	1:30 p.m.
LB 721	Tuesday, February 18, 2003	1:30 p.m.
LB 499	Tuesday, February 25, 2003	1:30 p.m.
LB 615	Tuesday, February 25, 2003	1:30 p.m.

LB 643	Tuesday, February 25, 2003	1:30 p.m.
LB 719	Tuesday, February 25, 2003	1:30 p.m.
LB 654	Tuesday, March 4, 2003	1:30 p.m.
LB 720	Tuesday, March 4, 2003	1:30 p.m.
LR 24CA	Tuesday, March 4, 2003	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Senator Janssen filed the following amendment to LB 429:
AM0126

- 1 1. Insert the following new section:
- 2 "Sec. 8. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

UNANIMOUS CONSENT - Add Cointroducer

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were 35 kindergarten through twelfth-grade students and teacher from Midwestern Baptist Academy, Omaha; and Don Groessek from Ralston.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Loudon, the Legislature adjourned until 9:00 a.m., Monday, February 3, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 3, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 2003

PRAYER

The prayer was offered by Senator Jones.

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, Brown, Friend, Hudkins, Landis, Price, Quandahl, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 381A. 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 381, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE BILL 69A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

MOTION - Withdraw LB 105

Senator Beutler renewed his pending motion, found on page 377, to withdraw LB 105.

The Beutler motion to withdraw prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 385. Title read. Considered.

Senator Aguilar offered the following amendment:
AM0176

- 1 1. On page 2, strike beginning with "five" in line 8
- 2 through "thousand" in line 9 and insert "one million".

SPEAKER BROMM PRESIDING

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

Senator Aguilar withdrew his amendment.

Senator Raikes offered the following amendment:
FA1152

1. On page 2, line 8, strike "minimum of twenty thousand dollars and a".
2. On page 2, line 8, strike "five hundred" and insert "zero".
3. On page 2, line 9, strike "thousand".

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

SENATOR CUDABACK PRESIDING

Senator Raikes withdrew his amendment.

Advanced to E & R for review with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 94. Placed on General File as amended.
Standing Committee amendment to LB 94:
AM0142

- 1 1. Insert the following new sections:
- 2 "Sec. 17. The Private Onsite Wastewater Treatment System

3 Contractors Certification and System Registration Act does not
4 apply to public power districts, public irrigation districts, or
5 public power and irrigation districts organized under Chapter 70,
6 article 6.

7 Sec. 18. Any person violating any provision of the
8 Private Onsite Wastewater Treatment System Contractors
9 Certification and System Registration Act or rules and regulations
10 adopted and promulgated pursuant to the act shall be subject to a
11 civil penalty of not more than ten thousand dollars for each such
12 violation. In the case of a continuing violation, each day shall
13 constitute a separate violation."

14 2. On page 2, line 1, strike "16" and insert "18"; and
15 in line 13 after "all" insert "siting, layout,".

16 3. On page 4, line 17, strike "semiannually" and insert
17 "annually"; and in line 24 strike "citing" and insert "siting".

18 4. On page 5, line 25, strike "and" and insert an
19 underscored comma; in line 26 after "act" insert ", and other rules
20 and regulations adopted and promulgated by the council"; and in
21 line 27 before "Beginning" insert "(1)".

22 5. On page 6, line 2, after "the" insert "siting,"; and
23 after line 7 insert:

24 "(2) The department shall issue a temporary provisional
1 certificate which shall satisfy the requirements of subsection (1)
2 of this section until December 31, 2005, to an individual who
3 applies to the department and includes with the application (a) a
4 fee of three hundred dollars and (b) a properly executed and sworn
5 affidavit stating that the applicant was engaged in activity
6 relating to the siting, layout, construction, reconstruction,
7 alteration, modification, repair, inspection, or pumping of a
8 private onsite wastewater treatment system for at least twelve
9 months preceding the effective date of this act. The affidavit
10 shall specify the activity or activities listed in this subsection
11 in which the applicant was engaged during such time.

12 (3) All temporary provisional certificates issued
13 pursuant to subsection (2) of this section shall be subject to all
14 administrative and enforcement authority of the department under
15 the act and any rules and regulations relating to private onsite
16 wastewater treatments systems adopted and promulgated by the
17 Environmental Quality Council under the Environmental Protection
18 Act.

19 (4) All temporary provisional certificates issued under
20 subsection (2) of this section shall expire December 31, 2005. Any
21 individual holding a temporary provisional certificate wishing to
22 become a certified professional under the Private Onsite Wastewater
23 Treatment System Contractors Certification and System Registration
24 Act shall before such date meet the requirements for such
25 certification contained in the rules and regulations of the council
26 adopted and promulgated pursuant to section 12 of this act."

27 6. On page 10, line 17, strike "size" and insert "flow

- 1 from the facility"; and in line 22 strike "department" and insert
- 2 "Department of Environmental Quality".
- 3 7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 143. Placed on General File as amended.
Standing Committee amendment to LB 143:
AM0143

- 1 1. On page 4, line 26, after "for" insert "responding to
- 2 spills or other environmental emergencies or for".

LEGISLATIVE BILL 164. Placed on General File as amended.
Standing Committee amendment to LB 164:
AM0178

- 1 1. On page 2, lines 26 and 27, strike the new matter.

(Signed) Ed Schrock, Chairperson

Health and Human Services

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendment to LB 54:
AM0181

- 1 1. On page 2, line 3, after the period insert "(1)"; in
- 2 line 4 strike "(1)", show as stricken, and insert "(a)"; in line 6
- 3 strike "(2)", show as stricken, and insert "(b)"; in line 7 strike
- 4 "(3)", show as stricken, and insert "(c)"; in line 8 strike "(4)",
- 5 show as stricken, and insert "(d)"; in line 10 strike "(5)", show as
- 6 stricken, and insert "(e)"; in line 14 strike "(6)", show as
- 7 stricken, and insert "(f)"; in line 15 before "The" insert
- 8 paragraphing and "(2)" and strike "(5)", show as stricken, and
- 9 insert "(1)(e)"; and strike beginning with "shall" in line 16
- 10 through "relatives" in line 19, show the old matter as stricken,
- 11 and insert "may be waived by the department for persons operating
- 12 foster homes providing care only to relatives of the foster care
- 13 provider. Such waivers shall be granted on a case-by-case basis
- 14 upon assessment by the department of the appropriateness of the
- 15 relative foster care placement. The department shall report
- 16 annually to the Health and Human Services Committee of the
- 17 Legislature the number of waivers granted under this subsection and
- 18 the total number of children placed in relative foster homes".

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARINGS **Nebraska Retirement Systems** Room 1525

LB 149 Wednesday, February 12, 2003 12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

Transportation and Telecommunications
Room 1113

LB 204 Tuesday, February 18, 2003 1:30 p.m.
LB 416 Tuesday, February 18, 2003 1:30 p.m.
LB 452 Tuesday, February 18, 2003 1:30 p.m.
LB 497 Tuesday, February 18, 2003 1:30 p.m.
LB 498 Tuesday, February 18, 2003 1:30 p.m.
LB 500 Tuesday, February 18, 2003 1:30 p.m.

LB 401 Monday, February 24, 2003 1:30 p.m.
LB 502 Monday, February 24, 2003 1:30 p.m.
LB 612 Monday, February 24, 2003 1:30 p.m.
LB 700 Monday, February 24, 2003 1:30 p.m.
LB 706 Monday, February 24, 2003 1:30 p.m.
LB 712 Monday, February 24, 2003 1:30 p.m.

LB 81 Tuesday, February 25, 2003 1:30 p.m.
LB 188 Tuesday, February 25, 2003 1:30 p.m.
LB 208 Tuesday, February 25, 2003 1:30 p.m.
LB 729 Tuesday, February 25, 2003 1:30 p.m.
LB 775 Tuesday, February 25, 2003 1:30 p.m.

LB 112 Monday, March 3, 2003 1:30 p.m.
LB 113 Monday, March 3, 2003 1:30 p.m.
LB 501 Monday, March 3, 2003 1:30 p.m.
LB 553 Monday, March 3, 2003 1:30 p.m.
LB 743 Monday, March 3, 2003 1:30 p.m.
LB 757 Monday, March 3, 2003 1:30 p.m.
LB 793 Monday, March 3, 2003 1:30 p.m.

LB 135 Tuesday, March 4, 2003 1:30 p.m.
LB 178 Tuesday, March 4, 2003 1:30 p.m.
LB 207 Tuesday, March 4, 2003 1:30 p.m.
LB 552 Tuesday, March 4, 2003 1:30 p.m.

LB 765 Monday, March 10, 2003 1:30 p.m.
LB 766 Monday, March 10, 2003 1:30 p.m.

(Signed) Tom Baker, Chairperson

Natural Resources
Room 1525

LB 26 Thursday, February 13, 2003 1:30 p.m.

LB 431	Thursday, February 13, 2003	1:30 p.m.
LB 449	Thursday, February 13, 2003	1:30 p.m.
LB 237	Wednesday, February 19, 2003	1:30 p.m.
LB 254	Wednesday, February 19, 2003	1:30 p.m.
LB 301	Wednesday, February 19, 2003	1:30 p.m.
LB 74	Thursday, February 20, 2003	1:30 p.m.
LB 348	Thursday, February 20, 2003	1:30 p.m.
LB 89	Friday, February 21, 2003	1:30 p.m.
LB 633	Wednesday, February 26, 2003	1:30 p.m.
LB 641	Wednesday, February 26, 2003	1:30 p.m.
LB 748	Wednesday, February 26, 2003	1:30 p.m.
LB 637	Thursday, February 27, 2003	1:30 p.m.
LB 638	Thursday, February 27, 2003	1:30 p.m.
LB 738	Wednesday, March 5, 2003	1:30 p.m.
LB 739	Wednesday, March 5, 2003	1:30 p.m.
LB 779	Wednesday, March 5, 2003	1:30 p.m.
LB 363	Wednesday, March 12, 2003	1:30 p.m.
LB 624	Wednesday, March 12, 2003	1:30 p.m.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 213. Title read. Considered.

SPEAKER BROMM PRESIDING

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 241. 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.

LEGISLATIVE BILL 31. Title read. Considered.

The Standing Committee amendment, AM0037, found on page 315, 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 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senators Aguilar, Engel, and Price asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 305. Title read. Considered.

The Standing Committee amendment, AM0047, found on page 315, 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.

Senators Aguilar and Louden asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 72. Title read. Considered.

The Standing Committee amendment, AM0071, found on page 317, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:
AM0197

- 1 1. On page 2, line 10, strike "State Fair Foundation"
- 2 and insert "Nebraska State Fair"; in lines 16 and 17 strike
- 3 "Foundation" and insert "Cash"; and strike beginning with
- 4 "Thereafter" in line 20 through the period in line 23 and insert
- 5 "Thereafter, the Nebraska State Fair shall use the fund to carry
- 6 out the public-private partnerships established to enhance the work
- 7 of the Nebraska State Fair.".

The Beutler amendment was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:
AM0179

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 77-27,119.04, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 77-27,119.04. Beginning with the tax form filed for the
- 5 1994 tax year, the Tax Commissioner shall include on the individual
- 6 income tax form space in which the individual taxpayer may, if a
- 7 refund is due, designate ~~two dollars~~ one dollar or a greater amount
- 8 of such refund as a contribution to the Campaign Finance Limitation
- 9 Cash Fund created in section 32-1610."
- 10 2. On page 2, line 27, after "section" insert

- 11 "77-27,119.04, Reissue Revised Statutes of Nebraska, and section";
 12 and in line 28 strike "is" and insert "are".
 13 3. Renumber the remaining section accordingly.

The Beutler amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Thompson offered the following amendment:
 AM0200

- 1 1. On page 2, line 10, strike "State Fair Foundation"
 2 and insert "Nebraska State Fair"; in lines 16 and 17 strike
 3 "Foundation" and insert "Cash"; and strike beginning with
 4 "Thereafter" in line 20 through the period in line 23 and insert
 5 "Thereafter, the Nebraska State Fair shall use the fund to pay for
 6 the premiums and the operating costs of the Nebraska State Fair.".

Pending.

AMENDMENT - Print in Journal

Senator Baker filed the following amendment to LB 333:
 AM0193

- 1 1. On page 26, line 13, strike "an" and insert "a
 2 salvage"; and in line 14 after "made" insert "unless the owner of
 3 the all-terrain vehicle or minibike elects to retain the
 4 all-terrain vehicle or minibike. If the owner elects to retain the
 5 all-terrain vehicle or minibike, the insurance company shall notify
 6 the Department of Motor Vehicles of such fact in a format
 7 prescribed by the department. The department shall immediately
 8 enter the salvage brand onto the computerized record of the
 9 all-terrain vehicle or minibike. The insurance company shall also
 10 notify the owner of the owner's responsibility to comply with this
 11 section. The owner shall, within ten days after the settlement of
 12 the loss, forward the properly endorsed acceptable certificate of
 13 title to the county clerk or designated county official in the
 14 county designated in section 6 of this act. The county clerk or
 15 designated county official shall, upon receipt of the certificate
 16 of title, issue a salvage branded certificate of title for the
 17 all-terrain vehicle or minibike".

VISITORS

Visitors to the Chamber were Scott Henderson from Omaha; and participants in the Nebraska Bankers Association Leadership Program.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 4, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 4, 2003

PRAYER

The prayer was offered by Pastor Paul Witt, St. Mary's Catholic 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 Senators Bourne, Brown, Hartnett, and Loudon who were excused; and Senators Beutler, Brashear, Byars, Landis, and Maxwell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 357. Placed on Select File as amended.

E & R amendment to LB 357:

AM7011

- 1 1. On page 3, line 27, before "Social" insert "federal"
- 2 and after "Act" insert ", 42 U.S.C. 405(r)(8)".

LEGISLATIVE BILL 358. Placed on Select File as amended.

E & R amendment to LB 358:

AM7013

- 1 1. On page 4, line 10, strike "Voting Rights", show as
- 2 stricken, and insert "Voter Registration".
- 3 2. On page 21, line 6, after "question" insert an
- 4 underscored comma.
- 5 3. On page 25, line 8, after "booths" insert "and".
- 6 4. On page 38, line 3, strike "written", show as
- 7 stricken, and insert "filled".

LEGISLATIVE BILL 359. Placed on Select File as amended.
E & R amendment to LB 359:

AM7012

- 1 1. On page 1, lines 1 and 2; and page 10, line 23,
2 strike "60-312 and 60-319" and insert "32-312 and 32-319".
- 3 2. On page 5, line 22, strike "on the mail-in portion of
4 the form" and show as stricken.

LEGISLATIVE BILL 34. Placed on Select File.

LEGISLATIVE BILL 35. Placed on Select File.

LEGISLATIVE BILL 30. Placed on Select File.

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 168. Placed on Select File.

LEGISLATIVE BILL 69A. Placed on Select File.

LEGISLATIVE BILL 385. Placed on Select File.

LEGISLATIVE BILL 213. Placed on Select File.

LEGISLATIVE BILL 241. Placed on Select File as amended.
E & R amendment to LB 241:

AM7014

- 1 1. On page 3, line 28, after "unit" insert an
2 underscored comma.
- 3 2. On page 4, line 2, after "hearing" insert an
4 underscored comma.
- 5 3. On page 5, line 26, reinstate the stricken comma; and
6 in line 28 after "hearing" insert an underscored comma.

LEGISLATIVE BILL 31. Placed on Select File.

LEGISLATIVE BILL 305. Placed on Select File as amended.
E & R amendment to LB 305:

AM7015

- 1 1. On page 15, line 7, strike the first comma.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 13. Placed on General File.

LEGISLATIVE BILL 116. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

MESSAGE FROM THE GOVERNOR

February 3, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 68, 70e, 71, 103, 106, 137e, and 182 were received in my office on January 30, 2003.

These bills were signed by me on February 3, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 686	Education (rereferred)

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 72. Senator Thompson withdrew her pending amendment, AM0200, found on page 404.

Senator Tyson offered the following amendment:
FA1153

On page 2, line 10, strike State Fair Foundation and insert "to the county fair of his or her official residence"

On page 2 line 16 strike "State Fair Foundation Fund" and insert "to the respective county Agricultural Society"

Strike lines 17-26

The Tyson amendment lost with 4 ayes, 23 nays, 15 present and not voting, and 7 excused and not voting.

Senator Connealy offered the following amendment:

AM0221

- 1 1. On page 2, line 18, strike beginning with "first"
- 2 through the second "the"; and in line 19 strike "such funds" and
- 3 insert "the fund".
- 4 2. In the Beutler amendment, AM0197, on page 1, line 5,
- 5 strike "Thereafter, the" and insert "The".

SPEAKER BROMM PRESIDING

The Connealy amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 26 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 26.

GENERAL FILE

LEGISLATIVE BILL 72. Considered.

Senator Jones 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 Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Aguilar	Combs	Janssen	Mines	Stuthman
Baker	Connealy	Johnson	Mossey	Synowiecki
Beutler	Cudaback	Jones	Pedersen, Dw.	Vrtiska
Brashear	Cunningham	Kremer	Price	Wehrbein
Bromm	Erdman	Kruse	Schimek	
Burling	Foley	Landis	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 8:

Chambers	Pederson, D.	Redfield	Thompson
Friend	Raikes	Smith	Tyson

Present and not voting, 4:

Engel Jensen Preister Quandahl

Excused and not voting, 5:

Bourne Brown Hartnett Louden Maxwell

Advanced to E & R for review with 32 ayes, 8 nays, 4 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 69:
AM0155

- 1 1. On page 2, line 4, strike ", out of funds
- 2 appropriated for that purpose," and show as stricken; and after
- 3 line 17 insert the following new paragraph:
- 4 "The Department of Aeronautics and the Military
- 5 Department shall enter into an agreement that will continue the
- 6 funding of the contract under this section from the Department of
- 7 Aeronautics Cash Fund in an amount equal to the appropriation by
- 8 the Legislature for such purpose.".

Senator Schimek filed the following amendment to LB 359:
AM0185

- 1 1. Strike original section 4 and insert the following
- 2 new sections:
- 3 "Section 1. Section 32-101, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 32-101. Sections 32-101 to 32-1551 and section 5 of this
- 6 act shall be known and may be cited as the Election Act.
- 7 Sec. 5. (1) If a person registered to vote by mail after
- 8 January 1, 2003, and has not previously voted in an election for a
- 9 federal office within the county but does not present
- 10 identification to meet the requirements of subdivision (3) of
- 11 section 32-914, the person shall be entitled to vote upon
- 12 completing a voter registration form at the polling place.
- 13 (2) The person shall enclose his or her ballot in an
- 14 envelope marked Provisional Ballot and shall, by signing the front
- 15 of the envelope or a separate form attached to the envelope,
- 16 certify to the following facts:
- 17 (a) I am a registered voter in County;
- 18 (b) I registered to vote on approximately
- 19(write the approximate date you registered to
- 20 vote);
- 21 (c) I registered to vote by mail, ... on a form
- 22 through the Department of Motor Vehicles, ... on a form through
- 23 another state agency, ... in some other way (check one); and

24 (d) I have not voted and will not vote in this election

1 except by this ballot.

2 (3) The certification shall be signed under penalty of

3 election falsification. The following statements shall be on the

4 front of the envelope or on the attached form: By signing the front

5 of this envelope or the attached form you are certifying to the

6 information contained on this envelope or the attached form under

7 penalty of election falsification. Election falsification is a

8 Class IV felony and may be punished by up to five years

9 imprisonment, a fine of up to ten thousand dollars, or both.

10 Sec. 6. Section 32-916, Revised Statutes Supplement,

11 2002, is amended to read:

12 32-916. (1) Two judges of election or a precinct or

13 district inspector and a judge of election shall affix their

14 initials to the official ballots and ballot jackets if any. Before

15 issuing any punch card ballot, the card shall be stamped with a

16 rubber stamp designating that the ballot card is an official ballot

17 and the county in which the card is to be used. The stamp shall be

18 placed on the portion of the ballot card which carries the ballot

19 position numbers and on the stub which is to be reviewed by a judge

20 of election. The stamp shall be furnished to each receiving board

21 by the election commissioner or county clerk. The judge of

22 election shall deliver a ballot to each registered voter after

23 complying with section 32-914.

24 (2) After voting the ballot, the registered voter shall,

25 as directed by the judge of election, fold his or her ballot or

26 place the ballot in the ballot envelope, jacket, or sleeve so as to

27 conceal the voting marks and to expose the initials affixed on the

1 ballot. The registered voter shall, without delay and without

2 exposing the voting marks upon the ballot, deliver the ballot to

3 the judge of election before leaving the enclosure in which the

4 voting booths or compartments are placed.

5 (3) The judge of election shall, without exposing the

6 voting marks on the ballot, approve the exposed initials upon the

7 ballot and deposit the ballot in the ballot box in the presence of

8 the registered voter. When punch card ballots are used, the judge

9 of election shall inspect the official initials on the ballot

10 jacket and the official stamp on the stub of the official ballot

11 card which is inside the ballot jacket and shall remove the stub

12 before depositing the ballot in the ballot box. No judge of

13 election shall deposit any ballot in a ballot box unless the ballot

14 has been identified as having the appropriate initials. No judge

15 of election shall deposit any ballot jacket in any ballot box

16 unless the ballot jacket is properly identified. Any ballot or

17 ballot jacket not properly identified shall be rejected in the

18 presence of the voter, the judge of election shall make a notation

19 on the ballot and the ballot jacket Rejected, not properly

20 identified, and another ballot shall be issued to the voter and the

21 voter shall then be permitted to cast his or her ballot. If the

22 ballot and ballot jacket are in order, the judge shall deposit the
 23 ballot and ballot jacket in the ballot box in the presence of the
 24 voter and the voter shall promptly leave the polling place. The
 25 judges of election shall maintain the secrecy of the rejected
 26 ballots and shall cause the rejected ballots to be made up in a
 27 sealed packet. The judges of election shall endorse the packet
 1 with the words Rejected Ballots and the designation of the
 2 precinct. The judges of election shall sign the endorsement label
 3 and shall return the packet to the election commissioner or county
 4 clerk with a statement by the judges of election showing the number
 5 of ballots rejected.
 6 (4) Upon receiving a conditional ballot as provided in
 7 section 32-915 or a provisional ballot as provided in section
 8 32-914.03 or section 5 of this act, the judge of election shall
 9 copy the information from the change of address form onto the
 10 envelope in which the ballot is enclosed or attach the form to the
 11 envelope, attach the statement required by section 32-914.03 or
 12 32-915 or section 5 of this act if not contained on the envelope,
 13 and place the entire envelope into the ballot box."
 14 2. On page 10, line 24, strike "32-914, 32-914.03" and
 15 insert "32-101, 32-914, 32-916".
 16 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS

Executive Board

Room 2102

LR 3CA	Thursday, February 13, 2003	12:00 p.m.
LR 8CA	Thursday, February 13, 2003	12:00 p.m.
LR 9CA	Thursday, February 13, 2003	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

Agriculture

Room 2102

LB 634	Tuesday, February 25, 2003	1:30 p.m.
LB 754	Tuesday, February 25, 2003	1:30 p.m.
LB 275	Tuesday, March 4, 2003	1:30 p.m.
LB 276	Tuesday, March 4, 2003	1:30 p.m.

(Signed) Bob Kremer, Chairperson

Revenue

Room 1524

LB 224	Wednesday, February 12, 2003	2:30 p.m.
LB 651	Wednesday, February 12, 2003	2:30 p.m.

LB 608	Wednesday, February 12, 2003	2:30 p.m.
LB 758	Wednesday, February 12, 2003	2:30 p.m.
LB 576	Wednesday, February 12, 2003	2:30 p.m.
LB 668	Thursday, February 13, 2003	1:30 p.m.
LB 98	Thursday, February 13, 2003	1:30 p.m.
LB 517	Thursday, February 13, 2003	1:30 p.m.
LB 749	Thursday, February 13, 2003	1:30 p.m.
LB 731	Thursday, February 13, 2003	1:30 p.m.
LB 578	Thursday, February 13, 2003	1:30 p.m.
LB 677	Thursday, February 13, 2003	1:30 p.m.
LB 736	Friday, February 14, 2003	1:30 p.m.
LB 577	Friday, February 14, 2003	1:30 p.m.
LB 728	Friday, February 14, 2003	1:30 p.m.
LB 776	Friday, February 14, 2003	1:30 p.m.
LB 109	Friday, February 14, 2003	1:30 p.m.
LB 726	Friday, February 14, 2003	1:30 p.m.
LB 170	Wednesday, February 19, 2003	2:30 p.m.
LB 337	Wednesday, February 19, 2003	2:30 p.m.
LB 338	Wednesday, February 19, 2003	2:30 p.m.
LB 283	Wednesday, February 19, 2003	2:30 p.m.
LB 555	Wednesday, February 19, 2003	2:30 p.m.
LB 696	Wednesday, February 19, 2003	2:30 p.m.
LB 57	Thursday, February 20, 2003	1:30 p.m.
LB 368	Thursday, February 20, 2003	1:30 p.m.
LB 387	Thursday, February 20, 2003	1:30 p.m.
LB 453	Thursday, February 20, 2003	1:30 p.m.
LB 285	Thursday, February 20, 2003	1:30 p.m.
LB 287	Thursday, February 20, 2003	1:30 p.m.
LB 286	Thursday, February 20, 2003	1:30 p.m.
LB 420	Friday, February 21, 2003	1:30 p.m.
LB 44	Friday, February 21, 2003	1:30 p.m.
LB 379	Friday, February 21, 2003	1:30 p.m.
LB 284	Friday, February 21, 2003	1:30 p.m.
LB 580	Friday, February 21, 2003	1:30 p.m.
LB 579	Friday, February 21, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

Education
Room 1525

LB 686	Monday, March 10, 2003	1:30 p.m.

(Signed) Ron Raikes, Chairperson

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 443. Placed on General File as amended.

Standing Committee amendment to LB 443:

AM0170

- 1 1. Strike original sections 4 to 6 and insert the
- 2 following new sections:
- 3 "Sec. 4. Section 77-420, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 77-420. In cooperation with the county assessors
- 6 association, the Property Tax Administrator may arrange and conduct
- 7 seminars in assessment methods, which seminars shall be
- 8 supplementary to the course of training required by section 77-415
- 9 any educational course required under section 77-414.
- 10 Sec. 5. Section 77-422, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 77-422. (1) Upon the successful completion of the
- 13 examination by the applicant, a county assessor certificate shall
- 14 be issued to him or her.
- 15 (2) The Property Tax Administrator shall establish a
- 16 system for revocation or suspension of a certificate for failure to
- 17 maintain the educational standards and criteria and shall have the
- 18 power to revoke the certificate if the certificate holder has not
- 19 successfully met the education requirements in section 77-414.
- 20 (3) Any person whose certificate has been revoked or
- 21 suspended may appeal the decision of the Property Tax
- 22 Administrator, and the appeal shall be in accordance with the Tax
- 23 Equalization and Review Commission Act.
- 24 Sec. 6. Section 8 of this act becomes operative on
- 1 January 1, 2005. The other sections of this act become operative
- 2 on their effective date.
- 3 Sec. 7. Original section 77-422, Reissue Revised
- 4 Statutes of Nebraska, and sections 77-414, 77-415, 77-417, and
- 5 77-420, Revised Statutes Supplement, 2002, are repealed.
- 6 Sec. 8. The following sections are outright repealed:
- 7 Sections 77-415 and 77-417, Revised Statutes Supplement, 2002, as
- 8 amended by sections 2 and 3 of this legislative bill."
- 9 2. On page 2, line 6, strike the new matter and
- 10 reinstate the stricken matter and strike "county assessors", show
- 11 as stricken, and insert "holders of county assessor certificates";
- 12 in line 9 after "recertification" insert "of all county assessor
- 13 certificate holders"; and in line 20 strike the new matter and
- 14 insert "state employees carrying out the duties of county
- 15 assessors".
- 16 3. On page 3, lines 13 and 14, strike "assessors who are
- 17 state employees" and insert "state employees carrying out the
- 18 duties of county assessors".

LEGISLATIVE BILL 524. Placed on General File as amended.

Standing Committee amendment to LB 524:

AM0186

- 1 1. On page 27, line 13, strike "2005", and insert
- 2 "2004".

(Signed) David Landis, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 60. Placed on General File.

LEGISLATIVE BILL 61. Placed on General File.

(Signed) Mark Quandahl, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 28. Introduced by Preister, 5; Johnson, 37.

WHEREAS, as the career exploration process evolves, we have the responsibility of supplying comprehensive and relevant information to our Nebraska high school students, to help them in developing important educational and vocational goals; and

WHEREAS, the United States Department of Defense develops and administers the ASVAB Career Exploration Program to assess capabilities of young people about to enter the military; and

WHEREAS, the United States Department of Defense also offers this award-winning program to high schools throughout the United States, including the State of Nebraska, at no cost to the schools or students and without military obligation, providing one of the most widely used and highly regarded career development programs in the world; and

WHEREAS, the newly released ASVAB Career Exploration Program contains state-of-the-art career exploration materials that are easily integrated into schools' career guidance programs; and

WHEREAS, the accompanying Exploring Careers: The ASVAB Career Exploration Guide helps students to identify, understand, and organize information about their interests, skills, and work-related values, then identify suitable occupations, from a wide range of about four hundred occupations, to investigate and further explore through use of a variety of career information resources; and

WHEREAS, nearly half of Nebraska high school students participate in the ASVAB Career Exploration Program before graduation.

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

1. That the Legislature recognizes the week of February 17-23, 2003, as ASVAB Career Exploration Program Week.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 333A. 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 333, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE BILL 291. Title read. Considered.

The Standing Committee amendment, AM0044, found on page 312, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 292. Title read. Considered.

The Standing Committee amendment, AM0032, found on page 312, was adopted with 30 ayes, 0 nays, 14 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.

LEGISLATIVE BILL 21. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 22. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 50. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 41. Title read. Considered.

SENATOR SCHIMEK PRESIDING

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 84. 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.

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

LEGISLATIVE BILL 90. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 243. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 429. Title read. Considered.

Senator Janssen offered the following amendment:
AM0126

- 1 1. Insert the following new section:
- 2 "Sec. 8. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

The Janssen 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.

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

LEGISLATIVE BILL 238. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senators Dw. Pedersen and Price asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 333. Title read. Considered.

The Standing Committee amendment, AM0064, found on page 324, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Baker renewed his pending amendment, AM0193, found on page 404.

The Baker amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

AMENDMENT - Print in Journal

Senator Baker filed the following amendment to LB 295:
AM0161

- 1 1. Strike section 1 and insert the following new
- 2 sections:
- 3 "Section 1. Section 77-112, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 77-112. Actual value of real property for purposes of
- 6 taxation means the market value of real property in the ordinary
- 7 course of trade. Actual value may be determined using
- 8 professionally accepted mass appraisal methods, including, but not
- 9 limited to, the (1) sales comparison approach using the guidelines
- 10 in section 77-1371, (2) income approach, and (3) cost approach.
- 11 Sec. 3. Section 77-1371, Revised Statutes Supplement,
- 12 2002, is amended to read:
- 13 77-1371. Comparable sales are recent sales of properties
- 14 that are similar to the property being assessed in significant
- 15 physical, functional, and location characteristics and in their

16 contribution to value. When using comparable sales in determining
17 actual value of an individual property under the sales comparison
18 approach provided in section 77-112, the following guidelines shall
19 be considered in determining what constitutes a comparable sale:

20 (1) Whether the sale was financed by the seller and
21 included any special financing considerations or the value of
22 improvements;

23 (2) Whether zoning affected the sale price of the
24 property;

1 (3) For sales of agricultural land or horticultural land
2 as defined in section 77-1359, whether a premium was paid to
3 acquire nearby property. Land within one mile of currently owned
4 property shall be considered nearby property;

5 (4) Whether sales or transfers made in connection with
6 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,
7 or in consideration of other legal actions should be excluded from
8 comparable sales analysis as not reflecting current market value;

9 (5) Whether sales between family members within the third
10 degree of consanguinity include considerations that fail to reflect
11 current market value;

12 (6) Whether sales to or from federal or state agencies or
13 local political subdivisions reflect current market value;

14 (7) Whether sales of undivided interests in real property
15 or parcels less than forty acres or sales conveying only a portion
16 of the unit assessed reflect current market value;

17 (8) Whether sales or transfers of property in exchange
18 for other real estate, stocks, bonds, or other personal property
19 reflect current market value;

20 (9) Whether deeds recorded for transfers of convenience,
21 transfers of title to cemetery lots, mineral rights, and rights of
22 easement reflect current market value;

23 (10) Whether sales or transfers of property involving
24 railroads or other public utility corporations reflect current
25 market value;

26 (11) Whether sales of property substantially improved
27 subsequent to assessment and prior to sale should be adjusted to
1 reflect current market value or eliminated from such analysis; and

2 (12) For agricultural land or horticultural land as
3 defined in section 77-1359 which is or has been receiving the
4 special valuation pursuant to sections 77-1343 to 77-1348, whether
5 the sale price reflects a value which the land has for purposes or
6 uses other than as agricultural land or horticultural land and
7 therefor does not reflect current market value of other
8 agricultural land or horticultural land.

9 The Property Tax Administrator may issue guidelines for
10 assessing officials for use in determining what constitutes a
11 comparable sale. Guidelines shall take into account the factors
12 listed in this section and other relevant factors as prescribed by
13 the Property Tax Administrator."

- 14 2. On page 3, line 25, strike "77-1359 and 77-1361" and
 15 insert "77-112, 77-1361, and 77-1371".
 16 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Appropriations
 Room 1510

LB 468	Friday, February 14, 2003	1:30 p.m.
LB 469	Friday, February 14, 2003	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Nebraska Retirement Systems
 Room 1525

LB 708	Wednesday, February 12, 2003	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 561. Placed on General File.
LEGISLATIVE BILL 562. Placed on General File.
LEGISLATIVE BILL 563. Placed on General File.

(Signed) Tom Baker, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 66A. 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 66, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

LEGISLATIVE BILL 85A. 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 85, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Senators Bromm and Stuthman asked unanimous consent to have their names added as cointroducers to LB 332. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 754. No objections. So ordered.

VISITORS

Visitors to the Chamber were Douglas Smith from Chappell; Ron Lorenz from Crete; Dr. Todd Sorensen, Jim McHugh, John McVay, Mary Armstrong, Fiona Libsack, and Dr. William Michael from Scottsbluff; participants in the Nebraska LEAD Program; and 20 twelfth-grade students and teacher from Cedar Rapids Public School.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, February 5, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 5, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 2003

PRAYER

The prayer was offered by Pastor Lauren Ekdahl, Trinity United Methodist Church, Lincoln, Nebraska.

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 Hartnett who was excused; and Senators Brashear, Bromm, Maxwell, Raikes, Schimek, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 418, strike lines 27 through 31, and insert:

"Senator Janssen renewed his pending amendment, AM0126, found on page 395."

The Journal for the nineteenth day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS**Health and Human Services**

Room 1510

LB 413	Wednesday, February 12, 2003	1:30 p.m.
LB 710	Wednesday, February 12, 2003	1:30 p.m.
LB 724	Wednesday, February 12, 2003	1:30 p.m.
LB 666	Wednesday, February 12, 2003	1:30 p.m.
LB 767	Thursday, February 13, 2003	1:30 p.m.
LB 702	Thursday, February 13, 2003	1:30 p.m.
LB 756	Thursday, February 13, 2003	1:30 p.m.
LB 611	Thursday, February 13, 2003	1:30 p.m.
LB 412	Friday, February 14, 2003	3:00 p.m.

LB 599	Wednesday, February 19, 2003	1:30 p.m.
LB 764	Wednesday, February 19, 2003	1:30 p.m.
LB 645	Wednesday, February 19, 2003	1:30 p.m.
LB 709	Wednesday, February 19, 2003	1:30 p.m.
LB 473	Wednesday, February 19, 2003	1:30 p.m.
LB 297	Friday, February 21, 2003	1:30 p.m.
LB 711	Friday, February 21, 2003	1:30 p.m.
LB 594	Friday, February 21, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

MESSAGES FROM THE GOVERNOR

January 29, 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 Electrical Board.

APPOINTEE:

George Morrissey, 4327 N 142nd St, Omaha, NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

February 3, 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 State Fair Board.

APPOINTEES:

Sallie Atkins, HC 76 Box 4, Halsey, NE 69142
Jo Kinsey, 7620 Wrenn Ct, Lincoln, NE 68506
Frank Partsch, 3122 S 104th St, Omaha, NE 68124
John Peetz, 960 Fall Creek Rd, Lincoln, NE 68510

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 25 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 25.

SELECT FILE

LEGISLATIVE BILL 167. Advanced to E & R for engrossment.

LEGISLATIVE BILL 242. E & R amendment, AM7006, found on page 333, was adopted.

Senator Jensen offered the following amendment:
AM0231

- 1 1. On page 96, line 26, after "fee" insert "for such
- 2 examinations"; and in line 28 after "required" insert
- 3 "credentialing".
- 4 2. On page 152, strike beginning with the second "or" in
- 5 line 15 through the period in line 16, show as stricken, and insert
- 6 an underscored period.

The Jensen amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 245. E & R amendment, AM7007, found on page 334, was adopted.

Senator Beutler offered the following amendment:
AM0227

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 54-311, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 54-311. It shall be unlawful for the owner or holder of
- 5 any real estate in the State of Nebraska to leave uncovered any
- 6 well or other pitfall into which any ~~stock person or animal~~ may
- 7 fall or receive injury. ~~; and all old wells not in use, and every~~
- 8 ~~other pitfall, shall be filled with dirt from the bottom to the~~
- 9 ~~level of the surface~~ Every pitfall shall be filled, adequately
- 10 covered, or enclosed so as not to constitute a safety hazard.
- 11 Every well not in use shall be decommissioned or properly placed in
- 12 inactive status in accordance with the Water Well Standards and
- 13 Contractors' Licensing Act so as not to constitute a safety hazard.
- 14 Sec. 8. Section 54-315, Reissue Revised Statutes of
- 15 Nebraska, is amended to read:
- 16 54-315. ~~Any resident freeholder leaving any well or~~
- 17 ~~pitfall unenclosed or unfilled, into which stock may fall, shall be~~
- 18 ~~fined in any sum not exceeding five hundred dollars nor less than~~
- 19 ~~fifty dollars, and be liable to the owner of the stock for all~~
- 20 ~~damages~~ Any person who violates section 54-311 shall be guilty of a
- 21 Class IV misdemeanor."
- 22 2. On page 45, line 15, strike "54-311 to 54-315" and
- 23 insert "54-312 to 54-314".
- 24 3. Renumber the remaining sections and correct the
- 1 repealer accordingly.

The Beutler amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:
AM0241

- 1 1. On page 29, line 14, strike "occurs", show as
- 2 stricken, and insert "begins".

The Beutler amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senators Jensen and Chambers offered the following amendment:
AM0234

- 1 1. On page 27, line 11, after "(2)" insert "or (4)"; and
- 2 in lines 13 through 15 strike the new matter.
- 3 2. On page 28, after line 17, insert the following new
- 4 subsection:
- 5 "(4) The Department of Health and Human Services
- 6 Regulation and Licensure shall preserve biological material
- 7 obtained for the purpose of determining the concentration of
- 8 alcohol in a person's blood for two years.".

The Jensen and Chambers amendment was adopted with 30 ayes, 0 nays, 17

present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

AM0236

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 43-3313, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-3313. Support in the definitions of child support,
- 5 medical support, and spousal support means providing necessary
- 6 shelter, food, clothing, care, medical support, medical attention,
- 7 education expenses, or funeral expenses or any other reasonable and
- 8 necessary expense. ~~and includes interest as provided by law.~~
- 9 Sec. 5. Section 43-3329, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 43-3329. For purposes of sections 43-3328 to 43-3339,
- 12 the following definitions apply:
- 13 (1) Account means a demand deposit account, checking or
- 14 negotiable withdrawal order account, savings account, time deposit
- 15 account, or money-market mutual fund account;
- 16 (2) Authorized attorney has the same meaning as found in
- 17 section 43-1704;
- 18 (3) Child support has the same meaning as found in
- 19 section 43-1705;
- 20 (4) Department means the Department of Health and Human
- 21 Services;
- 22 (5) Director means the Director of Health and Human
- 23 Services or his or her designee and, if the director designates,
- 24 includes a county attorney or authorized attorney;
- 1 (6) Financial institution means every federal or state
- 2 commercial or savings bank, including savings and loan associations
- 3 and cooperative banks, federal or state chartered credit unions,
- 4 benefit associations, insurance companies, safe deposit companies,
- 5 any money-market mutual fund as defined in section 851(a) of the
- 6 Internal Revenue Code that seeks to maintain a constant net asset
- 7 value of one dollar in accordance with 17 C.F.R. 270.2a-7, any
- 8 broker, brokerage firm, trust company, or unit investment trust, or
- 9 any other similar entity doing business or authorized to do
- 10 business in the State of Nebraska;
- 11 (7) Match means a comparison by automated or other means
- 12 by name and social security number of a list of obligors provided
- 13 to a financial institution by the Department of Health and Human
- 14 Services and a list of depositors of any financial institution;
- 15 (8) Medical support has the same meaning as found in
- 16 section 43-512;
- 17 (9) Obligor means a person who owes a duty of support
- 18 pursuant to a support order;
- 19 (10) Payor includes a person, partnership, limited
- 20 partnership, limited liability partnership, limited liability
- 21 company, corporation, or other entity doing business or authorized

22 to do business in the State of Nebraska, including a financial
23 institution, or a department or an agency of state, county, or city
24 government;

25 (11) Spousal support has the same meaning as found in
26 section 43-1715;

27 (12) Support in the definitions of child support, medical
1 support, and spousal support means providing necessary shelter,
2 food, clothing, care, medical support, medical attention, education
3 expenses, or funeral expenses or any other reasonable and necessary
4 expense; and ~~includes interest as provided by law; and~~

5 (13) Support order has the same meaning as found in
6 section 43-1717".

7 2. Renumber the remaining sections and correct the
8 repealer accordingly.

Senator Combs asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Jensen offered the following amendment:

FA1155

Amend AM0234, by adding the following after the word "years" on page 1, line 8.

"Unless a request is made for the retention of such material beyond such period in connection with a pending legal action."

The Jensen amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 40. E & R amendment, AM7008, found on page 335, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 69. Senator Smith renewed his pending amendment, AM0155, found on page 411.

The Smith amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 69A. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 83. Advanced to E & R for engrossment.

LEGISLATIVE BILL 92. Advanced to E & R for engrossment.

LEGISLATIVE BILL 306. E & R amendment, AM7009, found on page 343, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 122. E & R amendment, AM7010, found on page 380, was adopted.

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

Senator Schrock offered the following amendment:

AM0246

- 1 1. On page 2, line 7, after "permit" insert "for a
- 2 resident motor vehicle"; in line 8 after the period insert "The fee
- 3 for the annual permit for a nonresident motor vehicle shall not be
- 4 more than twenty-five dollars."; in line 11 after "permit" insert
- 5 "for a resident motor vehicle"; and in line 12 after the period
- 6 insert "The fee for the temporary permit for a nonresident motor
- 7 vehicle shall not be more than five dollars.".

The Schrock amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 191. Senator Vrtiska offered the following amendment:

AM0223

- 1 1. On page 2, line 17, strike the new matter; strike
- 2 beginning with "of" in line 17 through the period in line 23 and
- 3 show as stricken; and in line 24 after the period insert "Notice of
- 4 the hearing as required by section 84-1411 shall include the
- 5 following: (a) The time and place of the hearing, (b) the dollar
- 6 amount at issue, and (c) a statement setting forth the nature of
- 7 the error.".

The Vrtiska amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 192. Advanced to E & R for engrossment.

LEGISLATIVE BILL 281. Advanced to E & R for engrossment.

LEGISLATIVE BILL 295. Senator Baker renewed his pending amendment, AM0161, found on page 419.

The Baker 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 14. Advanced to E & R for engrossment.

LEGISLATIVE BILL 15. Advanced to E & R for engrossment.

LEGISLATIVE BILL 357. E & R amendment, AM7011, found on page 407, was adopted.

SENATOR CUDABACK PRESIDING

Advanced to E & R for engrossment.

LEGISLATIVE BILL 358. E & R amendment, AM7013, found on page 407, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 359. E & R amendment, AM7012, found on page 408, was adopted.

Senator Schimek renewed her pending amendment, AM0185, found on page 411.

The Schimek amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 34. Advanced to E & R for engrossment.

LEGISLATIVE BILL 35. Advanced to E & R for engrossment.

LEGISLATIVE BILL 93. Senator Schrock offered the following amendment:

AM0238

- 1 1. On page 4, line 13, after "programs" insert ". In
- 2 determining the rate of fertilizer application, the district shall
- 3 consult with the University of Nebraska or a certified crop advisor
- 4 certified by the American Society of Agronomy".

The Schrock amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 168. Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 72. Placed on Select File as amended.

E & R amendment to LB 72:

AM7016

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2701, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 77-2701. Sections 77-2701 to 77-27,135.01 and 77-27,222
- 6 and sections 2 and 3 of this act shall be known and may be cited as
- 7 the Nebraska Revenue Act of 1967.
- 8 Sec. 2. On the individual income tax return forms for
- 9 tax years 2003, 2004, and 2005, the Tax Commissioner shall include
- 10 space in which the individual taxpayer may, if a refund is due,
- 11 designate one dollar or a greater amount of the refund as a
- 12 contribution to the Nebraska State Fair. In the case of a joint
- 13 return, each spouse may designate one dollar or a greater amount of
- 14 the refund as a contribution to the fund.
- 15 Sec. 3. The Tax Commissioner shall determine the total
- 16 amount of contributions designated pursuant to section 2 of this
- 17 act each year, and the State Treasurer shall transfer such amount
- 18 from the General Fund to the State Fair Cash Fund.
- 19 Sec. 4. Section 77-27,119.04, Reissue Revised Statutes
- 20 of Nebraska, is amended to read:
- 21 77-27,119.04. Beginning with the tax form filed for the
- 22 1994 tax year, the Tax Commissioner shall include on the individual
- 23 income tax form space in which the individual taxpayer may, if a
- 24 refund is due, designate ~~two dollars~~ one dollar or a greater amount
- 1 of such refund as a contribution to the Campaign Finance Limitation
- 2 Cash Fund created in section 32-1610.
- 3 Sec. 5. The State Fair Cash Fund is created. The Tax
- 4 Commissioner may use the fund to defray the cost of implementing
- 5 the check-off program under section 2 of this act. The Nebraska
- 6 State Fair shall use the fund to carry out the public-private
- 7 partnerships established to enhance the work of the Nebraska State
- 8 Fair. Any money in the fund available for investment shall be
- 9 invested by the state investment officer pursuant to the Nebraska
- 10 Capital Expansion Act and the Nebraska State Funds Investment Act.
- 11 Sec. 6. Original section 77-27,119.04, Reissue Revised
- 12 Statutes of Nebraska, and section 77-2701, Revised Statutes

13 Supplement, 2002, are repealed."

14 2. On page 1, strike beginning with "the" in line 1
15 through line 5 and insert "income tax refunds; to amend section
16 77-27,119.04, Reissue Revised Statutes of Nebraska, and section
17 77-2701, Revised Statutes Supplement, 2002; to provide for
18 contributions of income tax refunds to the Nebraska State Fair; to
19 change provisions relating to contributions of income tax refunds
20 to the Campaign Finance Limitation Cash Fund; to create a fund; to
21 harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 291. Placed on Select File as amended.

E & R amendment to LB 291:

AM7018

1 1. On page 6, line 4, strike "a".
2 2. On page 9, line 24, after the last comma insert
3 "and".
4 3. On page 10, line 11, strike the second "of".
5 4. On page 12, line 10, strike "and" and show as
6 stricken; in line 14 strike the period, show as stricken, and
7 insert "; and"; and in line 28 strike "paper" and insert
8 "newspaper".
9 5. On page 15, line 7, strike "77-1504.02" and insert
10 "77-1504.01".

LEGISLATIVE BILL 292. Placed on Select File as amended.

E & R amendment to LB 292:

AM7017

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 18-1743, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 18-1743. Any city or village which requires that a
6 building permit be issued for the erection, alteration, or repair
7 of any building within its jurisdiction shall, if the improvement
8 is ~~one thousand~~ two thousand five hundred dollars or more, issue a
9 duplicate of such permit to the county assessor.
10 Sec. 2. Section 60-3006, Revised Statutes Supplement,
11 2002, is amended to read:
12 60-3006. (1) A veteran of the United States Armed Forces
13 who qualifies for an exemption from the motor vehicle tax under
14 subdivision (2) of section 60-3002 shall apply for the exemption to
15 the county treasurer or designated county official pursuant to
16 section 23-186 not more than fifteen days before and not later than
17 thirty days after the registration date for the motor vehicle. A
18 renewal application shall be made annually not sooner than the
19 first day of the last month of the registration period or later
20 than the last day of the registration period. The county treasurer
21 or designated county official shall approve or deny the application
22 and notify the applicant of his or her decision within twenty days

23 after the filing of the application. An applicant may appeal the
24 denial of an application to the county board of equalization within
1 twenty days after the date the notice was mailed.

2 (2) An organization which qualifies for an exemption from
3 the motor vehicle tax under subdivision (6) of section 60-3002
4 shall apply for the exemption to the county treasurer or designated
5 county official not more than fifteen days before and not later
6 than thirty days after the registration date for the motor vehicle.
7 For a newly acquired motor vehicle, an application for exemption
8 must be made within thirty days after the purchase date. A renewal
9 application shall be made annually not sooner than the first day of
10 the last month of the registration period or later than the last
11 day of the registration period. The county treasurer or designated
12 county official shall examine the application and recommend either
13 exempt or nonexempt status to the county board of equalization
14 within twenty days after receipt of the application. The county
15 board of equalization, after a hearing on ten days' notice to the
16 applicant and after considering the recommendation of the county
17 treasurer or designated county official and any other information
18 it may obtain, shall approve or deny the exemption on the basis of
19 law and of rules and regulations adopted and promulgated by the
20 Property Tax Administrator. The county board of equalization shall
21 certify its decision to the applicant, and the county treasurer or
22 designated county official, and the Property Tax Administrator
23 within ten days after the hearing. The decision of the county
24 board of equalization may be appealed to the Tax Equalization and
25 Review Commission.

26 Sec. 3. Section 77-101, Revised Statutes Supplement,
27 2002, is amended to read:

1 77-101. For purposes of Chapter 77 and any statutes
2 dealing with taxation, unless the context otherwise requires, the
3 definitions found in sections 77-102 to 77-130 and section 7 of
4 this act shall be used.

5 Sec. 4. Section 77-115, Revised Statutes Supplement,
6 2002, is amended to read:

7 77-115. County assessor includes an elected or appointed
8 county assessor or a county clerk who is an ex officio county
9 assessor. In counties in which the state has assumed the
10 assessment function, the Property Tax Administrator or his or her
11 designee performs the duties of the county assessor.

12 Sec. 5. Section 77-126, Revised Statutes Supplement,
13 2002, is amended to read:

14 77-126. Assessment means the act of listing the
15 description of all real property and taxable tangible personal
16 property, determining its taxability, determining its taxable ~~or~~
17 ~~assessed~~ value, and placing it on the assessment roll.

18 Sec. 6. Section 77-129, Revised Statutes Supplement,
19 2002, is amended to read:

20 77-129. Assessment roll means a complete and verified

21 list of all real property and the taxable tangible personal
22 property in a county and the associated assessments as defined in
23 section 77-126. The assessment roll is described in section
24 77-1303.

25 Sec. 7. Taxable value shall be as described in section
26 77-201 and shall have the same meaning as assessed value.

27 Sec. 8. Section 77-202.02, Revised Statutes Supplement,
1 2002, is amended to read:
2 77-202.02. The county board of equalization, between
3 February 1 and June 1 after a hearing on ten days' notice to the
4 applicant and the publication of notice as provided in section
5 77-202.01, and after considering the recommendation of the county
6 assessor and any other information it may obtain from public
7 testimony, shall grant or withhold tax exemption for the real
8 property or tangible personal property on the basis of law and of
9 regulations promulgated by the Property Tax Administrator. The
10 board shall certify its decision to the applicant, and the county
11 assessor, ~~and the Property Tax Administrator~~ within ten days
12 thereafter.

13 For applications accepted after approval of a waiver
14 pursuant to section 77-202.01, the county board of equalization
15 shall hear and certify its decision on or before August 15.

16 Sec. 9. Section 77-202.11, Revised Statutes Supplement,
17 2002, is amended to read:

18 77-202.11. (1) Leased public property, other than
19 property leased for a public purpose as set forth in subdivision
20 (1)(a) of section 77-202, shall be taxed or exempted from taxation
21 as if the property was owned by the leaseholder. The value of the
22 property shall be determined as provided under section 77-201.

23 (2) ~~By January 31, 2001, the state and each governmental~~
24 ~~subdivision shall provide to the appropriate county assessor a copy~~
25 ~~of each lease in effect on January 1 of that year for property~~
26 ~~owned by the state or governmental subdivision. In years after~~
27 ~~2001 On or before January 31 each year, the state and each~~

1 governmental subdivision shall provide to the appropriate county
2 assessor each new lease or preexisting lease which has been
3 materially changed which went into effect during the previous year
4 and a listing of previously reported leases that are still in
5 effect.

6 (3) Taxes on property assessed to the lessee shall be due
7 and payable in the same manner as other property taxes and shall be
8 a first lien upon the personal property of the person to whom
9 assessed until paid and shall be collected in the same manner as
10 personal property taxes as provided in sections 77-1711 to 77-1724.
11 The state or its governmental subdivisions shall not be obligated
12 to pay the taxes upon failure of the lessee to pay. Notice of
13 delinquent taxes shall be timely sent to the lessee and to the
14 state or the governmental subdivision. No lien or attachment shall
15 be attached to the property of the state or the governmental

16 subdivisions for failure of the lessee to pay the taxes due.

17 (4) The state or any governmental subdivision may, if it
18 chooses to do so in its discretion, provide the appropriate county
19 assessor a description of the property rather than a copy of the
20 lease; request that the assessor notify it of the amount of tax
21 which would be assessed to the leaseholder; voluntarily pay that
22 tax; and collect that tax from the leaseholder as part of the rent.

23 (5) Except as provided in Article VIII, section 11, of
24 the Constitution of Nebraska, no in lieu of tax payments provided
25 for in any other section of law shall be made with respect to any
26 leased public property to which this section applies.

27 Sec. 10. Section 77-1311, Revised Statutes Supplement,
1 2002, is amended to read:

2 77-1311. The county assessor shall have general
3 supervision over and direction of the assessment of all property in
4 his or her county. In addition to the other duties provided by
5 law, the county assessor shall:

6 (1) Annually revise the real property assessment for the
7 correction of errors and, when properties have been assessed as
8 entities and afterward part or parts transferred to other parties,
9 set off and apportion to each its just and equitable portion of the
10 valuation;

11 (2) Obey all rules and regulations made under Chapter 77
12 and the instructions and orders sent out by the Property Tax
13 Administrator and the Tax Equalization and Review Commission;

14 (3) Examine the records in the office of the register of
15 deeds and county clerk for the purpose of ascertaining whether
16 mortgages on real property and security interests on personal
17 property, producing mineral leases, title notes, contracts, and
18 bills of sale, intended to operate as a lien in the county, have
19 been fully and correctly listed and add to the assessment roll any
20 which have been omitted, belonging to residents of his or her
21 county, and not otherwise assessed, upon notice to the owner
22 thereof or his or her agents;

23 (4) Examine the records in the office of the county judge
24 and ascertain whether the property belonging to minors, persons
25 with mental retardation or a mental disorder, and estates of
26 deceased persons has been fully and correctly listed and add to or
27 change any such assessments so that the same shall be fully
1 assessed;

2 (5) Examine the records in the office of the clerk of the
3 district court to ascertain whether any judgments or liens thereon
4 filed, belonging to residents of his or her county and not
5 otherwise assessed, have been omitted from the assessment rolls
6 and, in case of any such omission, add the same to the assessment
7 roll after notice to the owner;

8 (6) ~~Make up~~ Prepare the assessment roll as ~~provided~~
9 defined in section 77-129 and described in section 77-1303;

10 (7) Provide access to the public to property record cards

11 and allow facsimiles to be reproduced at cost to the requesting
12 individual; and
13 (8) Submit a plan of assessment to the county board of
14 equalization and the Department of Property Assessment and Taxation
15 on or before September 1, 2001, and every five years thereafter.
16 The county assessor shall update the plan each year between the
17 adoption of each five-year plan. The plan and any update shall
18 examine the level, quality, and uniformity of assessment in the
19 county and may utilize a progress report developed by the
20 department and presented to the county assessor on or before July
21 31. The progress report is to be based on reports and statistics
22 developed by class and subclass of real property for each county.
23 The plan of assessment shall address issues of level, quality, and
24 uniformity of assessment, including those outlined in the progress
25 report, and shall propose actions to be taken for the following
26 years to assure uniform and proportionate assessments that are
27 within the statutory and administrative guidelines for the level
1 and quality of assessment.

2 Sec. 11. Section 77-1502, Revised Statutes Supplement,
3 2002, is amended to read:
4 77-1502. The county board of equalization shall hold a
5 session of not less than three days, for the purpose of reviewing
6 and deciding the written protests filed pursuant to this section,
7 commencing on June 1 of each year and ending on July 25. Protests
8 shall be filed in triplicate with the board. Protests for real
9 property shall be filed after the assessor's completion of the real
10 property assessment roll as required by section 77-1315 and on or
11 before June 30. Protests for tangible personal property shall be
12 filed on or before the last date for filing the form required by
13 section 77-1229.

14 Attached to each copy of the protest shall be a statement
15 of the reason or reasons why the requested change in assessment
16 should be made or the protest shall be automatically dismissed.
17 The board shall prepare a separate report on each
18 protest, and such report shall include a description of the
19 property described in the protest, the recommendation of the county
20 assessor with respect to the action proposed or taken, the names of
21 witnesses whose testimony was heard in connection with the protest,
22 a summary of their testimony, and a statement by the board of the
23 basis upon which its action was taken. Such report shall identify
24 by name the members of the board favoring the action taken, and be
25 signed by the chairperson of the board, ~~and contain a~~
26 ~~certification that a copy thereof is being mailed to the Property~~
27 ~~Tax Administrator.~~ One copy of the report shall be given to the
1 officer charged with the duty of preparing the tax list, and such
2 officer shall have no authority to make a change in the values
3 prepared and submitted by the county assessor until such report is
4 in his or her possession, completed, signed, and certified in the
5 manner specified in this section. If he or she deems it

6 incomplete, he or she shall return the same to the board for proper
7 preparation and execution.

8 Within seven days after a final decision by the county
9 board of equalization on any protest filed with the board, the
10 county clerk shall notify the protester of the action taken by the
11 board.

12 Sec. 12. Original section 18-1743, Reissue Revised
13 Statutes of Nebraska, and sections 60-3006, 77-101, 77-115, 77-126,
14 77-129, 77-202.02, 77-202.11, 77-1311, and 77-1502, Revised
15 Statutes Supplement, 2002, are repealed."

16 2. On page 1, strike lines 3 through 5 and insert
17 "sections 60-3006, 77-101, 77-115, 77-126, 77-129, 77-202.02,
18 77-202.11, 77-1311, and 77-1502, Revised Statutes Supplement, 2002;
19 to change notice requirements and eliminate reporting requirements;
20 to define and redefine terms; to".

LEGISLATIVE BILL 21. Placed on Select File.

LEGISLATIVE BILL 22. Placed on Select File.

LEGISLATIVE BILL 49. Placed on Select File.

LEGISLATIVE BILL 50. Placed on Select File.

LEGISLATIVE BILL 41. Placed on Select File as amended.

E & R amendment to LB 41:

AM7019

- 1 1. On page 2, line 22, strike "and", show as stricken,
- 2 and insert an underscored comma.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 127. Placed on General File.

LEGISLATIVE BILL 175. Placed on General File.

LEGISLATIVE BILL 79. Indefinitely postponed.

LEGISLATIVE BILL 252. Indefinitely postponed.

(Signed) Mark Quandahl, Chairperson

NOTICE OF COMMITTEE HEARINGS

Executive Board

Room 2102

LB 311	Thursday, February 20, 2003	12:00 p.m.
LB 470	Thursday, February 20, 2003	12:00 p.m.
LB 484	Thursday, February 20, 2003	12:00 p.m.
LB 510	Friday, February 21, 2003	12:00 p.m.

LB 663	Friday, February 21, 2003	12:00 p.m.
LB 703	Friday, February 21, 2003	12:00 p.m.
LR 22CA	Friday, February 21, 2003	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

Revenue
Room 1524

LB 170	Wednesday, February 19, 2003 (cancel)	2:30 p.m.

(Signed) David Landis, Chairperson

MOTION - Print in Journal

Senator Vrtiska filed the following motion to LB 170:
Withdraw LB 170.

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 396:
AM0195

1 1. On page 2, lines 2 and 12, after "agreement" insert
2 "under the Interlocal Cooperation Act"; in lines 5 and 15 strike
3 "term of"; in lines 6 and 16 after "end" insert "at the expiration
4 of the then current term"; in line 10 after the period insert "A
5 municipality and county may by interlocal agreement pursuant to the
6 act provide for the assumption of the duties of the municipal
7 police department by the office of county sheriff."; and in line 20
8 after the period insert "A municipality and county may by
9 interlocal agreement pursuant to the act provide for the assumption
10 of the duties of the municipal public works department by the
11 office of county engineer.".

Senator Brown filed the following amendment to LB 565:
AM0194

1 1. On page 2, lines 2, 10, and 19, after "agreement"
2 insert "pursuant to the Interlocal Cooperation Act"; in lines 4,
3 13, and 22 strike "term of"; in lines 5, 14, and 23 after "end"
4 insert "at the expiration of the then current term"; and in line 27
5 after the period insert "A municipality and county may by
6 interlocal agreement pursuant to the act provide for the assumption
7 of the duties of the municipal police department by the office of
8 county sheriff.".
9 2. On page 3, lines 1, 11, and 21, after "agreement"
10 insert "pursuant to the Interlocal Cooperation Act"; in lines 4,
11 14, and 24 strike "term of"; in lines 5, 15, and 25 after "end"
12 insert "at the expiration of the then current term"; in line 9

13 after the period insert "A municipality and county may by
 14 interlocal agreement pursuant to the act provide for the assumption
 15 of the duties of the city or village treasurer by the office of the
 16 county treasurer."; and in line 19 after the period insert "A
 17 municipality and county may by interlocal agreement pursuant to the
 18 act provide for the assumption of the duties of the city or village
 19 attorney by the office of the county attorney.".
 20 3. On page 4, lines 3 and 13, after "agreement" insert
 21 "pursuant to the Interlocal Cooperation Act"; in lines 6 and 16
 22 strike "term of"; in lines 7 and 17 after "end" insert "at the
 23 expiration of the then current term"; in line 11 after the period
 24 insert "A municipality and county may by interlocal agreement
 1 pursuant to the act provide for the assumption of the duties of the
 2 municipal public works department by the office of the county
 3 surveyor."; and in line 21 after the period insert "A municipality
 4 and county may by interlocal agreement pursuant to the act provide
 5 for the assumption of the duties of the municipal public works
 6 department by the office of county engineer.".

ANNOUNCEMENT

Senator Price designates LB 233 as her priority bill.

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Senators Engel and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 215. Title read. Considered.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Quandahl moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

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

Voting in the affirmative, 18:

Baker	Foley	Johnson	Pedersen, Dw.	Tyson
Brown	Friend	Jones	Quandahl	Vrtiska
Byars	Hudkins	Kremer	Smith	
Erdman	Jensen	Mines	Stuhr	

Voting in the negative, 17:

Beutler	Connealy	Pederson, D.	Schrock	Wehrbein
Bourne	Landis	Price	Stuthman	
Bromm	Louden	Raikes	Synowiecki	
Chambers	Mossey	Schimek	Thompson	

Present and not voting, 11:

Aguilar	Combs	Janssen	Preister
Brashear	Cudaback	Kruse	Redfield
Burling	Cunningham	Maxwell	

Excused and not voting, 3:

Engel	Hartnett	McDonald

Failed to advance to E & R for review with 18 ayes, 17 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 217. Title read. Considered.

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

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 85. Title read. Considered.

The Standing Committee amendment, AM0089, found on page 324, was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 233. Placed on General File.

(Signed) Bob Kremer, Chairperson

Business and Labor

LEGISLATIVE BILL 226. Placed on General File.

LEGISLATIVE BILL 39. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 282:

AM0228

- 1 1. On page 65, lines 9, 10, and 16, strike the new
- 2 matter; in line 25 after "or" insert "fees and"; in line 26 strike
- 3 "to" and insert "charged for" and strike "and".
- 4 2. On page 66, line 3, after "meal" insert "; and
- 5 (6) Fees and admissions charged by a public or private
- 6 elementary or secondary school and fees and admissions charged by a
- 7 school district, student organization, or parent-teacher
- 8 association, pursuant to an agreement with the proper school
- 9 authorities, in a public or private elementary or secondary school
- 10 during the regular school day or at an approved function of any
- 11 such school".

COMMUNICATIONS

February 3, 2003

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

University of Nebraska-Lincoln, Harper, Schramm & Smith Halls.

The University of Nebraska-Lincoln proposes to transfer \$2,175,955 from the 1986 Surplus Fund. The funds would be used to install multi-pane and energy-efficient window units for Harper, Schramm and Smith Halls used for student housing.

These expenditures are Pursuant to Bond Resolution dated as of December 1, 1964, authorizing the issuance of Revenue Bonds by the Board (the "Resolution"), the Board has heretofore issued revenue bonds

payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created;

Section 6.2 of the Resolution requires the Board to operate the Facilities (as defined in the Resolution) in an efficient, sound and economical manner and to keep all Facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that all times the business carried on in connection therewith shall be properly and advantageously conducted.

Request. The University requests approval of the Harper, Schramm and Smith Halls window replacement totaling \$2,175,955 to be financed from the Student Fees and Facilities Revenue Bonds Replacement Fund.

The Board of Regents authorized these expenditures at the October 11, 2002, and January 18, 2003, meetings. The Coordinating Commission will make its recommendations February 17, 2003.

Thank you for your consideration of these projects.

Respectfully submitted,
(Signed) Kim M. Robak
Vice President for External Affairs
and Corporation Secretary

February 5, 2003

Senator Pat Engel
Chair-Executive Board
2010 State Capitol Bldg.
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Kim Robak, Vice-President for External Affairs at the University of Nebraska-Lincoln, and Mr. David Powers, Executive Director of the Coordinating Commission for Postsecondary Education. The correspondence relates to the University of Nebraska-Lincoln Harper Hall Window Replacement Proposal. As stated in the letter, the Commission is recommending approval of this proposal. A copy of the Commission's evaluation form is enclosed.

I am forwarding this correspondence to you for action by the Executive Board.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

UNANIMOUS CONSENT - Add Cointroducer

Senator Connealy asked unanimous consent to have his name added as cointroducer to LB 418. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Combs withdrew her name as cointroducer to LB 299.

VISITORS

Visitors to the Chamber were 8 students and sponsors from Goodrich School, Lincoln.

ADJOURNMENT

At 12:07 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 6, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 2003

PRAYER

The prayer was offered by Senator Aguilar.

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 Bromm who was excused; and Senators Baker, Chambers, Raikes, and Schrock 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 84. Placed on Select File.

LEGISLATIVE BILL 90. Placed on Select File as amended.

E & R amendment to LB 90:

AM7020

- 1 1. On page 5, lines 5 and 6, strike the second " ' " and
- 2 insert "°"; in line 21 strike the period and insert an underscored
- 3 comma and a space; and in line 22 after "east" insert an
- 4 underscored comma.

LEGISLATIVE BILL 126. Placed on Select File.

LEGISLATIVE BILL 243. Placed on Select File.

LEGISLATIVE BILL 429. Placed on Select File as amended.

E & R amendment to LB 429:

AM7021

- 1 1. On page 1, line 7, strike "and"; and in line 8 after

- 2 "sections" insert "; and to declare an emergency".
3 2. On page 2, line 17, strike "or" and insert "or".
4 3. On page 3, line 11, after the comma insert "a".
5 4. On page 4, line 10, strike the comma.

(Signed) Ray Mossey, Chairperson

ANNOUNCEMENT

Senator Redfield designates LB 487 as her priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2003, 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

Kelley & Lehan, P.C.
Liquor Distributors, Nebraska

Moors, H. Jack
R.L. Polk & Co.
Syngenta

O'Neal II, John R.
Advocacy Services, Inc., Nebraska

Radcliffe, Walter H. of Radcliffe & Associates
Broadcasters Association, Nebraska

REPORTS

The following reports were received by the Legislature:

Policy Research Office, Governor's

Municipal Natural Gas Regulation Revolving Loan Fund for the quarter ending December 31, 2002

Revenue, Department of

Auditor of Public Accounts Report of Examination for Fiscal Year ended June 30, 2002

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 333A. 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 85. Considered.

Senator Beutler offered the following amendment:

FA1156

Strike section 1

SENATOR ENGEL PRESIDING

Senators Cunningham and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Beutler offered the following motion:

Bracket to March 15, 2003

SENATOR CUDABACK PRESIDING

Senators Engel and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Beutler requested a roll call vote on his motion to bracket.

Voting in the affirmative, 8:

Beutler	Kruse	Raikes	Synowiecki
Connealy	Price	Schimek	Thompson

Voting in the negative, 32:

Aguilar	Cunningham	Jones	Mossey	Stuhr
Baker	Erdman	Kremer	Pedersen, Dw.	Stuthman
Brashear	Foley	Landis	Pederson, D.	Tyson
Brown	Friend	Louden	Quandahl	Wehrbein
Burling	Hudkins	Maxwell	Redfield	
Byars	Jensen	McDonald	Schrock	
Combs	Johnson	Mines	Smith	

Present and not voting, 6:

Bourne	Cudaback	Janssen
Chambers	Hartnett	Preister

Excused and not voting, 3:

Bromm	Engel	Vrtiska

The Beutler motion to bracket failed with 8 ayes, 32 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 85A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 161. Placed on General File.

LEGISLATIVE BILL 219. Placed on General File as amended.

Standing Committee amendment to LB 219:

AM0247

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law.".

(Signed) Bob Kremer, Chairperson

Health and Human Services

LEGISLATIVE BILL 234. Placed on General File.

LEGISLATIVE BILL 56. Placed on General File as amended.

Standing Committee amendment to LB 56:

AM0157

- 1 1. On page 2, strike beginning with the second "and" in
- 2 line 4 through "people" in line 6.
- 3 2. On page 5, line 26, after the semicolon insert "and";
- 4 and strike beginning with "Communication" in line 27 through line
- 5 28.
- 6 3. On page 6, line 4, strike "consult with" and insert

7 "advise".
 8 4. On page 7, strike beginning with "initiate" in line
 9 13 through "resolve" in line 14 and insert "help mediate"; in line
 10 15 after "professions" insert "except issues related to the
 11 discipline of health care professionals"; and in line 16 strike
 12 "studies for".

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 537. Placed on General File.

LEGISLATIVE BILL 228. Placed on General File as amended.

Standing Committee amendment to LB 228:

AM0269

- 1 1. On page 5, line 6, strike "residential" and insert
- 2 "mailing".

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Members Excused

Senators Aguilar and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 214. Title read. Considered.

The Standing Committee amendment, AM0034, found on page 324, 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 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 216. Title read. Considered.

The Standing Committee amendment, AM0026, found on page 325, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senators Aguilar, Johnson, Loudon, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 282. Title read. Considered.

The Standing Committee amendment, AM0072, found on page 327, was considered.

Pending.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 418. Placed on General File as amended.

Standing Committee amendment to LB 418:

AM0224

- 1 1. Strike the original sections and insert 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 Non-English-Speaking Workers Protection
- 5 Act.
- 6 Sec. 2. Section 48-2201, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 ~~48-2201.~~ For purposes of ~~sections 48-2201 to 48-2206 the~~
- 9 Non-English-Speaking Workers Protection Act, unless the context
- 10 otherwise requires:
- 11 (1) Actively recruit means any affirmative act, as
- 12 defined by the ~~Department of Labor~~ department, done by or on behalf
- 13 of an employer for the purpose of recruitment or hiring of
- 14 non-English-speaking employees who reside more than five hundred
- 15 miles from the place of employment;
- 16 (2) Commissioner means the Commissioner of Labor;
- 17 (3) Coordinator means the meatpacking industry worker
- 18 rights coordinator appointed pursuant to section 7 of this act;
- 19 (4) Department means the Department of Labor;
- 20 (5) Employ means to permit to work;
- 21 ~~(4)~~ (6) Employee means any individual employed by any
- 22 employer but does not include:
- 23 (a) Any individual employed in agriculture; or
- 24 (b) Any individual employed as a child care provider in
- 1 or for a private home;
- 2 ~~(5)~~ (7) Employer means any individual, partnership,
- 3 limited liability company, association, corporation, business
- 4 trust, legal representative, or organized group of persons
- 5 employing one hundred or more employees at any one time, except for
- 6 seasonal employment of not more than twenty weeks in any calendar
- 7 year, or person acting directly or indirectly in the interest of an
- 8 employer in relation to an employee but does not include the United
- 9 States, the state, or any political subdivision thereof; ~~and~~

10 (8) Meatpacking operation means a business in which
 11 slaughtering, butchering, meat canning, meat packing, meat
 12 manufacturing, poultry canning, poultry packing, poultry
 13 manufacturing, pet food manufacturing, processing of meatpacking
 14 products, or rendering is carried on;

15 (9) Meatpacking products include livestock products and
 16 poultry products as such terms are defined in section 54-1902; and

17 ~~(6)~~ (10) Non-English-speaking employee means an employee
 18 who does not speak, read, or understand English to the degree
 19 necessary for comprehension of the terms, conditions, and daily
 20 responsibilities of employment.

21 Sec. 3. Section 48-2202, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 ~~48-2202.~~ If an employer or a representative of an
 24 employer actively recruits any non-English-speaking persons ~~who~~
 25 ~~reside more than five hundred miles from the place of employment~~
 26 for employment as employees in this state and if more than ten
 27 percent of the employees of an employer are non-English-speaking
 1 employees and speak the same non-English language, the employer
 2 shall provide a bilingual employee who is conversant in the
 3 identified non-English language and available at the worksite for
 4 each shift during which a non-English-speaking employee is employed
 5 to (1) explain and respond to questions regarding the terms,
 6 conditions, and daily responsibilities of employment and (2) serve
 7 as a referral agent to community services for the
 8 non-English-speaking employees.

9 Sec. 4. Section 48-2203, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 ~~48-2203.~~ (1) An employer or a representative of an
 12 employer who actively recruits any non-English-speaking persons ~~who~~
 13 ~~reside more than five hundred miles from the place of employment~~
 14 for employment as employees in this state and whose work force is
 15 more than ten percent non-English-speaking employees who speak the
 16 same non-English language shall file with the commissioner a
 17 written statement signed by the employer and each such employee
 18 which provides relevant information regarding the position of
 19 employment, including:

20 (a) The minimum number of hours the employee can expect
 21 to work on a weekly basis;

22 (b) The hourly wages of the position of employment
 23 including the starting hourly wage;

24 (c) A description of the responsibilities and tasks of
 25 the position of employment;

26 ~~The~~ A description of the transportation and housing
 27 to be provided, if any, including any costs to be charged for
 1 housing or transportation, how long the length of time such housing
 2 is to be provided, and that whether or not such housing is in
 3 compliance with all applicable state and local housing standards;
 4 and

5 (e) ~~The~~ Any occupational physical demands and hazards of
6 the position of employment which are known to the employer.
7 The statement shall be written in English and in the
8 identified language of the non-English-speaking employee, and the
9 employer or the representative shall explain in detail the contents
10 of the statement prior to obtaining the employee's signature. A
11 copy of the statement shall be given to the employee.
12 It is a violation of this subsection if an employer or
13 representative knowingly and willfully provides false or misleading
14 information on the statement or regarding the contents of the
15 statement.

16 (2) An employer shall provide transportation for a
17 recruited employee, at no cost to the employee, to the location
18 from which the employee was recruited if the employee:

19 (a) Resigns from employment within four weeks after the
20 initial date of employment; and

21 (b) Requests transportation within not more than three
22 days after the employee's last day of employment with the employer
23 which recruited the employee.

24 Sec. 5. Section 48-2205, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 ~~48-2205.~~ Any employer who violates section 3 or 4 of
27 this act or the rules and regulations promulgated thereto ~~any~~
1 ~~provision of section 48-2202 or 48-2203~~ is guilty of a Class IV
2 misdemeanor.

3 Sec. 6. Section 48-2206, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 ~~48-2206.~~ Any person aggrieved as a result of a violation
6 of ~~sections 48-2202 to 48-2204~~ section 3 or 4 of this act or the
7 rules and regulations promulgated thereto may file suit in any
8 district court of this state. If the court finds that the
9 respondent has intentionally violated ~~any provision of sections~~
10 ~~48-2202 to 48-2204~~ section 3 or 4 of this act or the rules and
11 regulations promulgated thereto, the court may award damages up to
12 and including an amount equal to the original damages and provide
13 injunctive relief.

14 Sec. 7. Section 81-404, Revised Statutes Supplement,
15 2002, is amended to read:

16 ~~81-404.~~ (1) The position of ~~Meatpacking Industry Worker~~
17 ~~Rights Coordinator~~ meatpacking industry worker rights coordinator
18 is established within the ~~Department of Labor~~ department. The
19 coordinator shall be appointed by the Governor.

20 (2) The duties of the coordinator shall be to inspect and
21 review the practices and procedures of meatpacking operations in
22 the State of Nebraska as they relate to the provisions of the
23 Governor's Nebraska Meatpacking Industry Workers Bill of Rights,
24 which rights are outlined as follows:

25 (a) The right to organize;

26 (b) The right to a safe workplace;

- 27 (c) The right to adequate facilities and the opportunity
 1 to use them;
 2 (d) The right to complete information;
 3 (e) The right to understand the information provided;
 4 (f) The right to existing state and federal benefits and
 5 rights;
 6 (g) The right to be free from discrimination;
 7 (h) The right to continuing training, including
 8 ~~supervisor's training~~ training of supervisors;
 9 (i) The right to compensation for work performed; and
 10 (j) The right to seek state help.
- 11 (3) The coordinator and his or her designated
 12 representatives shall have access to all meatpacking operations in
 13 the State of Nebraska at any time meatpacking products are being
 14 processed and industry workers are on the job.
- 15 (4) Necessary office space, furniture, equipment, and
 16 supplies as well as necessary assistance for the coordinator shall
 17 be provided by the ~~department~~ commissioner.
- 18 (5) Preference shall be given to applicants for the
 19 coordinator position who are fluent in the Spanish language.
- 20 (6) The coordinator shall, ~~annually~~, on or before
 21 December 1 of each year, submit a report to the members of the
 22 Legislature and the Governor regarding any recommended actions the
 23 coordinator deems necessary or appropriate to provide for the fair
 24 treatment of workers in the meatpacking industry.
- 25 ~~(7) For purposes of this section:~~
- 26 ~~(a) Meatpacking operations means a business in which~~
 27 ~~slaughtering, butchering, meat canning, meat packing, meat~~
 1 ~~manufacturing, poultry canning, poultry packing, poultry~~
 2 ~~manufacturing, pet feed manufacturing, processing of meatpacking~~
 3 ~~products, or rendering is carried on; and~~
- 4 ~~(b) Meatpacking products include livestock products and~~
 5 ~~poultry products as such terms are defined in section 54-1902.~~
- 6 ~~(8) This section terminates on June 30, 2004.~~
- 7 Sec. 8. Section 48-2204, Reissue Revised Statutes of
 8 Nebraska, is amended to read:
 9 ~~48-2204.~~ The commissioner shall adopt and promulgate
 10 rules and regulations necessary to carry out ~~sections 48-2201 to~~
 11 ~~48-2206~~ the Non-English-Speaking Workers Protection Act. The
 12 commissioner or a representative of the commissioner, including the
 13 coordinator, may:
 14 (1) Inspect employment records of an employer relating to
 15 the total number of employees, the total number of
 16 non-English-speaking employees, and the services provided to
 17 non-English-speaking employees; and
 18 (2) Interview an employer, any representative, any agent,
 19 or an employee of the employer during working hours or at other
 20 reasonable times.
- 21 Sec. 9. Section 48-1702, Revised Statutes Supplement,

22 2002, is amended to read:

23 48-1702. For purposes of the Farm Labor Contractors Act,
24 unless the context otherwise requires:

25 (1) Department means the Department of Labor;

26 (2) Farm labor contractor means any individual,
27 partnership, limited liability company, corporation, or cooperative
1 association, other than an agricultural employer, an agricultural
2 association, or an employee of an agricultural employer or
3 agricultural association, who for any money or other valuable
4 consideration paid or promised to be paid performs any farm labor
5 contracting activity;

6 (3) Farm labor contracting activity means recruiting,
7 soliciting, hiring, employing, furnishing, or transporting any
8 migrant or seasonal agricultural worker;

9 (4) Non-English-speaking worker has the same meaning as
10 non-English-speaking employee in section ~~48-2201~~ 2 of this act; and

11 (5) Worker means a person who is employed or recruited by
12 or who subcontracts with a farm labor contractor.

13 Sec. 10. Original sections 48-2201 to 48-2206, Reissue
14 Revised Statutes of Nebraska, and sections 48-1702 and 81-404,
15 Revised Statutes Supplement, 2002, are repealed."

(Signed) Floyd P. Vrtiska, Chairperson

Agriculture

LEGISLATIVE BILL 157. Placed on General File as amended.
Standing Committee amendment to LB 157:
AM0165

1 1. On page 4, lines 11 and 12, strike the new matter and
2 reinstate the stricken matter.

3 2. On page 8, line 23, after "employee" insert "or
4 agent"; and in line 24 after "state" insert "who is not a
5 commercial applicator".

6 3. On page 9, line 4, after "life" insert ", excluding
7 humans"; and in lines 15, 19, and 20 reinstate the stricken matter.

8 4. On page 14, line 14, strike the new matter.

9 5. On page 15, line 1, after "to" insert "or the death
10 of"; in line 21 strike "To", show as stricken, and insert "Except
11 as authorized by law, to"; and in lines 23 through 27 strike the
12 new matter and insert ". Applications for outdoor vector control
13 authorized by a federal or state agency or political subdivision
14 shall not be in violation of this subdivision when the application
15 is made from public access property and cannot practically be
16 confined to public property".

LEGISLATIVE BILL 160. Placed on General File as amended.
Standing Committee amendment to LB 160:

AM0248

- 1 1. On page 2, strike beginning with "any" in line 16
- 2 through "definition" in line 19, show the old matter as stricken,
- 3 and insert "all vertebrate members of the animal kingdom, except
- 4 humans, fish, amphibians, and reptiles".

LEGISLATIVE BILL 250. Placed on General File as amended.

Standing Committee amendment to LB 250:

AM0211

- 1 1. On page 6, line 13, after "only" insert "(a)"; and in
- 2 line 19 after "hazardous" insert "or (b) hermetically sealed canned
- 3 foods".

LEGISLATIVE BILL 273. Placed on General File as amended.

Standing Committee amendment to LB 273:

AM0249

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. A commercial breeder shall:
- 4 (1) Maintain housing facilities and primary enclosures in
- 5 a sanitary condition;
- 6 (2) Enable all dogs and cats to remain dry and clean;
- 7 (3) Provide shelter and protection from extreme
- 8 temperatures and weather conditions that may be uncomfortable or
- 9 hazardous to the dogs and cats;
- 10 (4) Provide sufficient shade to shelter all the dogs and
- 11 cats housed in the primary enclosure at one time;
- 12 (5) Provide dogs and cats with easy and convenient access
- 13 to adequate amounts of clean food and water;
- 14 (6) Provide adequate space appropriate to the age, size,
- 15 weight, and breed of dog or cat. For purposes of this subdivision,
- 16 adequate space means sufficient space to allow each dog and cat to
- 17 turn about freely, to stand, sit, and lie in a comfortable, normal
- 18 position, and to walk in a normal manner without the head of such
- 19 animal touching the top of the cage which shall be at least six
- 20 inches above the head of the tallest animal when the animal is
- 21 standing;
- 22 (7) Provide dogs with adequate socialization and
- 23 exercise. For the purpose of this subdivision, adequate
- 24 socialization means physical contact with other dogs and with human
- 1 beings, other than being fed, and adequate exercise means providing
- 2 the opportunity for exercise at least two times per day outside of
- 3 a cage or similar small enclosure except during inclement weather
- 4 that may be hazardous to dogs;
- 5 (8) Assure that a handler's hands are washed before and
- 6 after handling each infectious or contagious dog or cat; and
- 7 (9) Provide veterinary care without delay when necessary.
- 8 Sec. 2. A primary enclosure shall have floors that are
- 9 constructed in a manner that protects the dogs' and cats' feet and

10 legs from injury and that, if of mesh or slatted construction, do
11 not allow the dogs' and cats' feet to pass through any openings in
12 the floor. If a primary enclosure has a suspended floor
13 constructed of metal strands, the strands shall either be greater
14 than one-eighth of an inch in diameter (nine gauge) or coated with
15 a material such as plastic or fiberglass. The suspended floor of
16 any primary enclosure shall be strong enough so that the floor does
17 not sag or bend between the structural supports.

18 Sec. 3. Section 54-625, Revised Statutes Supplement,
19 2002, is amended to read:

20 54-625. Sections 54-625 to 54-636 and sections 1 and 2
21 of this act shall be known and may be cited as the Commercial Dog
22 and Cat Operator Inspection Act.

23 Sec. 4. Original section 54-625, Revised Statutes
24 Supplement, 2002, is repealed."

LEGISLATIVE BILL 274. Placed on General File as amended.

Standing Committee amendment to LB 274:

AM0258

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. (1) Every dealer, commercial breeder, animal
4 shelter, animal control facility, or any retailer, who transfers
5 ownership of a dog or cat to an ultimate consumer, shall deliver to
6 the ultimate consumer of each dog or cat at the time of sale,
7 written material, in a form determined by such seller, containing
8 information on the benefits of spaying and neutering. The written
9 material shall include recommendations on establishing a
10 relationship with a veterinarian, information on early-age spaying
11 and neutering, the health benefits associated with spaying and
12 neutering pets, the importance of minimizing the risk of homeless
13 or unwanted animals, and the need to comply with applicable license
14 laws.

15 (2) The delivering of any model materials prepared by the
16 Pet Industry Joint Advisory Council or the Nebraska Humane Society
17 shall satisfy the requirements of subsection (1) of this section.

18 Sec. 2. Provision shall be made for spaying or neutering
19 all dogs and cats released for adoption or purchase from any public
20 or private animal shelter or animal control facility operated by a
21 humane society, a county, a city, or another political subdivision.
22 Such provision may be made by:

23 (1) Causing the dog or cat to be spayed or neutered by a
24 licensed veterinarian before releasing the dog or cat for adoption
1 or purchase; or

2 (2) Entering into a written agreement with the adopter or
3 purchaser of the dog or cat, guaranteeing that spaying or neutering
4 will be performed by a licensed veterinarian in compliance with an
5 agreement which shall contain the following information:

6 (a) The date of the agreement;

7 (b) The name, address, and signature of the releasing
 8 entity and the adopter or purchaser;
 9 (c) A description of the dog or cat to be adopted or
 10 purchased;
 11 (d) A statement, in conspicuous bold print, that spaying
 12 or neutering of the dog or cat is required pursuant to this
 13 section; and
 14 (e) The date by which the spaying or neutering will be
 15 completed, which date shall be (i) in the case of an adult dog or
 16 cat, the thirtieth day after the date of adoption or purchase or
 17 (ii) in the case of a pup or kitten, either (A) the thirtieth day
 18 after a specified date estimated to be the date the pup or kitten
 19 will reach six months of age or (B) if the releasing entity has a
 20 written policy recommending spaying or neutering of certain pups or
 21 kittens at an earlier date, the thirtieth day after such date.
 22 Sec. 3. An adopter or purchaser who signs an agreement
 23 under section 2 of this act shall cause the adopted or purchased
 24 dog or cat to be spayed or neutered on or before the date stated in
 25 the agreement. If such date falls on a Saturday, Sunday, or legal
 26 holiday, the date may be extended to the first business day
 27 following such date. The releasing entity may extend the date for
 1 thirty days upon presentation of a letter or telephone report from
 2 a licensed veterinarian, stating that the life or health of the
 3 adopted or purchased dog or cat would be jeopardized by spaying or
 4 neutering, and such extensions may continue to be granted until
 5 such veterinarian determines that spaying or neutering would no
 6 longer jeopardize the life or health of the adopted or purchased
 7 dog or cat.
 8 Sec. 4. Section 54-625, Revised Statutes Supplement,
 9 2002, is amended to read:
 10 54-625. Sections 54-625 to 54-636 and sections 1 to 3 of
 11 this act shall be known and may be cited as the Commercial Dog and
 12 Cat Operator Inspection Act.
 13 Sec. 5. Original section 54-625, Revised Statutes
 14 Supplement, 2002, is repealed."

(Signed) Bob Kremer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 29. Introduced by Foley, 29.

WHEREAS, Elwood N. "Jack" Thompson lived a long and illustrious life as a native and longtime resident of Nebraska; and

WHEREAS, Mr. Thompson founded and contributed to many lasting treasures of the State of Nebraska and City of Lincoln, including the E.N. Thompson Forum on World Issues, the University of Nebraska Foundation, the Lied Center for Performing Arts, and the Nebraska Arts Council, among others; and

WHEREAS, Mr. Thompson served as an influential business leader in Lincoln in executive positions at Cooper Theatres, Inc., the Cooper Foundation, and the First Trust Company of Lincoln; and

WHEREAS, working to better his community economically and culturally, Mr. Thompson played an instrumental role on numerous community development boards and committees; and

WHEREAS, Mr. Thompson devoted much of his life to philanthropic causes, providing and promoting goodwill toward all people; and

WHEREAS, Mr. Thompson demonstrated his quest for learning by excelling in a number of varying career fields, among them philanthropy, finance, government service, and journalism; and

WHEREAS, as an active proponent of education, Mr. Thompson greatly supported higher learning, especially at the University of Nebraska, and earned degrees in political science, journalism, and law; and

WHEREAS, in recognition of his efforts to sustain and support the arts and humanities, Mr. Thompson was awarded numerous honors, including the Sower's Award, the Leonard Thiessen Award, honorary Doctorates of Humane Letters from Doane College, the University of Nebraska, and Nebraska Wesleyan University, various alumni awards, and others; and

WHEREAS, Mr. Thompson accomplished many great things throughout his life and served as a model citizen in his service to his community and his family.

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

1. That the Legislature honors the life of Elwood N. "Jack" Thompson and his many accomplishments on behalf of his community.

2. That a copy of this resolution be sent to the family of Elwood N. "Jack" Thompson.

Laid over.

VISITORS

Visitors to the Chamber were Tom Noecker from Hartington, Art Anderson from Bloomfield, and Gary Kimm from Yankton, South Dakota; and former Senator David Bernard-Stevens from North Platte.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Monday, February 10, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 10, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 2003

PRAYER

The prayer was offered by Pastor Jeffery Grams, St. John's Lutheran Church, Scottsbluff, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senator Smith who was excused; and Senators Beutler, Brashear, Brown, Combs, Price, Raikes, Schrock, Synowiecki, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 14, 15, 40, 69, 69A, 83, 92, 122, 167, 191, 192, 242, 245, 281, 295, 306, and 357.

ER9002

Enrollment and Review Change to LB 69

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, strike "for the Military Department".

ER9007

Enrollment and Review Change to LB 242

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 17; and page 176, line 1, a comma has been inserted after "71-1,158".
2. On page 14, line 26, "water well registration" has been inserted after the first comma, "and" has been struck and shown as stricken, and "except" has been struck and "and" inserted; and in line 27 "for" has been struck.
3. On page 41, line 3, "26" has been struck and "27" inserted.
4. On page 58, line 12, "are necessary to" has been inserted after "as".

ER9003

Enrollment and Review Change to LB 245

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 1 and 2, "sections 43-1716 and" and all amendments thereto have been struck and "sections 43-3313, 43-3329, 54-311, 54-315, and" inserted; in line 7 ", medical, and spousal" has been inserted after "child"; and in line 13 "change and" has been inserted after the first "to".
2. On page 2, line 1, "54-311 to 54-315" has been struck and "54-312 to 54-314" inserted.
3. On page 45, line 9, "sections 43-1716 and" and all amendments thereto have been struck and "sections 43-3313, 43-3329, 54-311, 54-315, and" inserted.

ER9004

Enrollment and Review Change to LB 295

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "77-1359 and 77-1361" has been struck and "77-112, 77-1361, and 77-1371" inserted; and in line 3 "valuation of farm sites" has been struck and "property taxation" inserted.

ER9006

Enrollment and Review Change to LB 357

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7011, on page 1, line 2, an underscored comma has been inserted after "(8)".

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Price filed the following amendment to LB 238:
AM0280

- 1 1. Insert the following new section:

- 2 "Sec. 7. Section 60-6,263, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 60-6,263. It shall be unlawful to operate on any highway
 5 in this state any motor vehicle, other than a motorcycle,
 6 manufactured or assembled, whether from a kit or otherwise, after
 7 January 1, 1935, which is designed or used for the purpose of
 8 carrying passengers unless such vehicle is equipped in all doors,
 9 windows, and windshields with safety glass. Any windshield
 10 attached to a motorcycle shall be manufactured of products which
 11 will successfully withstand discoloration due to exposure to
 12 sunlight or abnormal temperatures over an extended period of time.
 13 The owner or operator of any motor vehicle operated in
 14 violation of this section shall be guilty of a Class III
 15 misdemeanor."
 16 2. On page 26, line 6, after "60-6,162," insert
 17 "60-6,263,".
 18 3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 292:
 AM0288

(Amendments to E & R amendments, AM7017)

- 1 1. Insert the following new section:
 2 "Sec. 12. Section 79-1082, Revised Statutes Supplement,
 3 2002, is amended to read:
 4 79-1082. The aggregate school tax for a Class V school
 5 district, ~~exclusive of~~ including the levy for the site and building
 6 fund as authorized by section 79-10,126, shall be subject to the
 7 limits provided in section 77-3442."
 8 2. On page 9, line 14, strike "and 77-1502" and insert
 9 "77-1502, and 79-1082".
 10 3. Renumber the remaining section accordingly.

ANNOUNCEMENT

Senator Jones designates LB 619 as his priority bill.

NOTICE OF COMMITTEE HEARING

Judiciary
 Room 1113

LB 625	Thursday, March 6, 2003 (cancel)	1:30 p.m.
LB 625	Friday, February 21, 2003 (reschedule)	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 689. Placed on General File as amended.

Standing Committee amendment to LB 689:

AM0283

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-202.01, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 77-202.01. (1) Any organization or society seeking a tax
- 6 exemption provided in subdivisions (1)(c) and (d) of section 77-202
- 7 for any real or tangible personal property, except real property
- 8 used for cemetery purposes, shall apply for exemption to the county
- 9 assessor on or before December 31 of the year preceding the year
- 10 for which the exemption is sought on forms prescribed by the
- 11 Property Tax Administrator. The county assessor shall examine the
- 12 application and recommend either taxable or exempt for the real
- 13 property or tangible personal property to the county board of
- 14 equalization on or before February 1 following. In addition,
- 15 beginning January 1, 2008, the county assessor shall determine the
- 16 value of the property for which the exemption is sought. Notice
- 17 that a list of the applications from organizations seeking tax
- 18 exemption, descriptions of the property, ~~and~~ recommendations of the
- 19 county assessor, and the value of the property are available in the
- 20 county assessor's office shall be published in a newspaper of
- 21 general circulation in the county at least ten days prior to
- 22 consideration of any application by the county board of
- 23 equalization.
- 24 (2) Any organization or society which fails to file an
- 1 exemption application on or before December 31 may apply on or
- 2 before June 30 to the county assessor. The organization or society
- 3 shall also file in writing a request with the county board of
- 4 equalization for a waiver so that the county assessor may consider
- 5 the application for exemption. The county board of equalization
- 6 shall grant the waiver upon a finding that good cause exists for
- 7 the failure to make application on or before December 31. When the
- 8 waiver is granted, the county assessor shall examine the
- 9 application and recommend either taxable or exempt for the real
- 10 property or tangible personal property to the county board of
- 11 equalization and shall assess a penalty against the property of ten
- 12 percent of the tax that would have been assessed had the waiver
- 13 been denied or one hundred dollars, whichever is less, for each
- 14 calendar month or fraction thereof for which the filing of the
- 15 exemption application missed the December 31 deadline. The penalty
- 16 shall be collected and distributed in the same manner as a tax on
- 17 the property and interest shall be assessed at the rate specified
- 18 in section 45-104.01, as such rate may from time to time be
- 19 adjusted by the Legislature, from the date the tax would have been
- 20 delinquent until paid. The penalty shall also become a lien in the
- 21 same manner as a tax pursuant to section 77-203.
- 22 Sec. 2. Original section 77-202.01, Revised Statutes
- 23 Supplement, 2002, is repealed."

LEGISLATIVE BILL 220. Indefinitely postponed.
LEGISLATIVE BILL 290. Indefinitely postponed.
LEGISLATIVE BILL 324. Indefinitely postponed.
LEGISLATIVE BILL 434. Indefinitely postponed.
LEGISLATIVE BILL 488. Indefinitely postponed.
LEGISLATIVE BILL 742. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 238. Placed on Select File as amended.
 E & R amendment to LB 238:
 AM7023

- 1 1. On page 1, lines 5 and 6, strike "automobiles" and
- 2 insert "vehicles"; and in line 6 after the semicolon insert "to
- 3 define and redefine terms;".

LEGISLATIVE BILL 333. Placed on Select File as amended.
 E & R amendment to LB 333:
 AM7022

- 1 1. On page 3, lines 14 and 28, after "minibike" insert
- 2 an underscored comma
- 3 2. On page 3, line 15; and page 4, line 1, after
- 4 "Nebraska" insert an underscored comma.
- 5 3. On page 17, line 24, strike "the".

(Signed) Ray Mossey, Chairperson

MOTION - Withdraw LB 170

Senator Vrtiska renewed his pending motion, found on page 438, to withdraw LB 170.

The Vrtiska motion to withdraw prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 282. The Standing Committee amendment, AM0072, found on page 327 and considered on page 450, was renewed.

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

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Landis withdrew his pending amendment, AM0228, found on page 441.

Senator Landis offered the following amendment:

AM0295

- 1 1. On page 19, line 14, strike the new matter; and in
- 2 line 17 before the period insert "; or
- 3 (c) The amount charged for labor and services rendered in
- 4 annexing property to real estate".
- 5 2. On page 65, lines 9, 10, and 16, strike the new
- 6 matter; in line 25 after "or" insert "fees and"; in line 26 strike
- 7 "to" and insert "charged for" and strike "and".
- 8 3. On page 66, line 3, after "meal" insert "; and
- 9 (6) Fees and admissions charged by a public or private
- 10 elementary or secondary school and fees and admissions charged by a
- 11 school district, student organization, or parent-teacher
- 12 association, pursuant to an agreement with the proper school
- 13 authorities, in a public or private elementary or secondary school
- 14 during the regular school day or at an approved function of any
- 15 such school".

The Landis amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 27 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 27.

GENERAL FILE

LEGISLATIVE BILL 282. Considered.

SENATOR CUDABACK PRESIDING

Senators Foley and Loudon asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 394. Placed on General File as amended.

Standing Committee amendment to LB 394:

AM0207

- 1 1. On page 7, line 23, after (a) insert "Which becomes
2 part of a Class VI district which offers instruction in grades six
3 through twelve, 37.9310 percent of the Class II, III, IV, or V
4 district's assets and liabilities shall be transferred to the new
5 Class I district and the remainder shall be transferred to the
6 Class VI district or districts of which the Class I district
7 becomes a part on the basis of the proportionate share of assessed
8 valuation each high school district received at the time of such
9 change in class of district;
10 (b)"; and in line 24 strike the new matter.
11 2. On page 8, line 4, strike "(b)", show as stricken,
12 and insert "(c)"; and in line 24 after (a) insert "in grades
13 kindergarten through five shall report children from birth through
14 ten years of age, (b)"; and in line 26 after "age" insert an
15 underscored comma and strike "(b)", show as stricken, and insert
16 "(c)".
17 3. On page 14, line 11, strike "and" and show as
18 stricken; in line 14 strike the new matter and reinstate the
19 stricken matter; and in line 19 after "district" insert "; and
20 (d) For Class I districts or portions thereof which are
21 part of a Class VI district which offers instruction in grades six
22 through twelve and in which there are situated school or saline
23 lands, 62.0690 percent of the in lieu of land tax money calculated
24 pursuant to subsection (2) of this section, based on the Class VI
1 school system levy computed pursuant to section 79-1078, shall be
2 distributed to the Class VI district and the remainder shall be
3 distributed to the Class I district".

(Signed) Ron Raikes, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 1CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 7CA. Indefinitely postponed.

(Signed) L. Patrick Engel, Chairperson

Natural Resources

LEGISLATIVE BILL 142. Placed on General File.

LEGISLATIVE BILL 692. Placed on General File.

LEGISLATIVE RESOLUTION 4CA. Placed on General File.**LEGISLATIVE BILL 29.** Placed on General File as amended.

Standing Committee amendment to LB 29:

AM0217

- 1 1. Insert the following new section:
- 2 "Section 1. Section 18-2410, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2410. Municipality shall mean (1) any city or village
- 5 incorporated under the laws of this state or any equivalent entity
- 6 incorporated under the laws of another state or (2) any public
- 7 entity organized under Chapter 70, article 6, and incorporated
- 8 under the laws of this state for the sole purpose of providing
- 9 wholesale electric energy to a single municipality which is
- 10 incorporated under the laws of this state.".
- 11 2. On page 5, line 25, after "sections" insert
- 12 "18-2410,".
- 13 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 65. Placed on General File as amended.

Standing Committee amendment to LB 65:

AM0271

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 70-1012, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 70-1012. Before any electric generation facilities or
- 6 any transmission lines or related facilities carrying more than
- 7 seven hundred volts are constructed or acquired by any supplier, an
- 8 application, filed with the board and containing such information
- 9 as the board shall prescribe, shall be approved by the board,
- 10 except that such approval shall not be required (1) for the
- 11 construction or acquisition of a transmission line extension or
- 12 related facilities within a supplier's own service area or for the
- 13 construction or acquisition of a line not exceeding one-half mile
- 14 outside its own service area when all owners of electric lines
- 15 located within one-half mile of the extension consent thereto in
- 16 writing and such consents are filed with the board, (2) for any
- 17 generation facility when the board finds that: (a) ~~Such~~ such
- 18 facility is being constructed or acquired to replace a generating
- 19 plant owned by an individual municipality or registered group of
- 20 municipalities with a capacity not greater than that of the plant
- 21 being replaced, (b) such facility will generate less than
- 22 twenty-five thousand kilowatts of electric energy at rated
- 23 capacity, and (c) the applicant will not use the plant or
- 24 transmission capacity to supply wholesale power to customers
- 1 outside the applicant's existing retail service area or chartered
- 2 territory, (3) for any generation facility if the applicant is a
- 3 municipality, a registered group of municipalities, a public power

4 district, a public power and irrigation district, an electric
 5 cooperative, an electric membership association, or any other
 6 governmental entity and if the board finds that (a) such facility
 7 will generate less than ten thousand kilowatts of electric energy
 8 at rated capacity, (b) such facility will generate electricity
 9 using a solar, wind, biomass, landfill gas, methane gas, or
 10 hydropower generation technology or emerging generation technology,
 11 including, but not limited to, fuel cells and microturbines, (c)
 12 the applicant has filed written waivers from such alternate power
 13 suppliers as the board deems to be affected by the application, and
 14 (d) if the applicant has filed previous applications pursuant to
 15 this subdivision in the preceding twelve months, the applicant has
 16 demonstrated that the application represents a separate and
 17 distinct project from such previous applications, or (3) (4) for
 18 acquisition of transmission lines or related facilities, within the
 19 state, carrying one hundred fifteen thousand volts or less, if the
 20 current owner of the transmission lines or related facilities
 21 notifies the board of the lines or facilities involved in the
 22 transaction and the parties to the transaction.
 23 Sec. 2. Original section 70-1012, Reissue Revised
 24 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 141. Indefinitely postponed.

LEGISLATIVE BILL 360. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 34, 35, 93, 168, 358, and 359.

ER9008

Enrollment and Review Change to LB 358

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7013, amendment 3 has been struck.

ER9005

Enrollment and Review Change to LB 359

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "32-101," has been inserted after "sections" and

"32-914.03" has been struck and "32-916" inserted; and in line 6 "to provide for provisional ballots;" has been inserted after the first semicolon.

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 381. Title read. Considered.

The Standing Committee amendment, AM0073, found on page 327, 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 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 381A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.

The Standing Committee amendment, AM0100, found on page 327, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

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

LEGISLATIVE BILL 205. Title read. Considered.

The Standing Committee amendment, AM0097, found on page 329, 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 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 66. Title read. Considered.

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

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 66A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

The Standing Committee amendment, AM0082, found on page 331, 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 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SENATOR ENGEL PRESIDING

Senators Brashear and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 119. Title read. Considered.

The Standing Committee amendment, AM0091, found on page 331, was considered.

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

FA1157

Amend AM0091 line 19 by striking "with the written consent of the parent or guardian of the infant"

The Brown amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Brown withdrew her pending amendment, AM0028, found on page 283.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 138. Title read. Considered.

The Standing Committee amendment, AM0088, found on page 332, was

adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senators Beutler and Byars asked unanimous consent to be excused. 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.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendment to LB 131:

AM7026

- 1 1. In page 1, line 12, after the first semicolon insert
- 2 "to redefine terms; to change powers and duties of the Director of
- 3 Banking and Finance;".
- 4 2. On page 1, line 15; and page 73, line 3, after
- 5 "21-17,127" insert "to 21-17,130, and 21-17,132".
- 6 3. On page 1, line 2; and page 72, line 21, strike
- 7 "18-1505" and insert "8-1505".
- 8 4. On page 26, line 5, strike the second comma and show
- 9 as stricken.

LEGISLATIVE BILL 333A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

NOTICE OF COMMITTEE HEARINGS **Banking, Commerce and Insurance** Room 1507

LB 247	Tuesday, February 18, 2003	1:30 p.m.
LB 248	Tuesday, February 18, 2003	1:30 p.m.
LB 600	Tuesday, February 18, 2003	1:30 p.m.
LB 715	Tuesday, February 18, 2003	1:30 p.m.
LB 334	Monday, February 24, 2003	1:30 p.m.
LB 446	Monday, February 24, 2003	1:30 p.m.
LB 490	Monday, February 24, 2003	1:30 p.m.
LB 326	Tuesday, February 25, 2003	1:30 p.m.
LB 386	Tuesday, February 25, 2003	1:30 p.m.
LB 511	Tuesday, February 25, 2003	1:30 p.m.
LB 299	Monday, March 3, 2003	1:30 p.m.
LB 588	Monday, March 3, 2003	1:30 p.m.
LB 652	Monday, March 3, 2003	1:30 p.m.

LB 616	Tuesday, March 4, 2003	1:30 p.m.
LB 630	Tuesday, March 4, 2003	1:30 p.m.
LB 737	Tuesday, March 4, 2003	1:30 p.m.

(Signed) Mark Quandahl, Chairperson

Revenue
Room 1524

LB 519	Wednesday, February 26, 2003	2:30 p.m.
LB 462	Wednesday, February 26, 2003	2:30 p.m.
LB 520	Wednesday, February 26, 2003	2:30 p.m.
LB 642	Wednesday, February 26, 2003	2:30 p.m.
LB 774	Wednesday, February 26, 2003	2:30 p.m.

LB 193	Thursday, February 27, 2003	1:30 p.m.
LB 302	Thursday, February 27, 2003	1:30 p.m.
LB 601	Thursday, February 27, 2003	1:30 p.m.
LB 163	Thursday, February 27, 2003	1:30 p.m.
LB 635	Thursday, February 27, 2003	1:30 p.m.
LB 648	Thursday, February 27, 2003	1:30 p.m.
LB 649	Thursday, February 27, 2003	1:30 p.m.
LB 769	Thursday, February 27, 2003	1:30 p.m.

LB 705	Friday, February 28, 2003	1:30 p.m.
LB 592	Friday, February 28, 2003	1:30 p.m.
LB 539	Friday, February 28, 2003	1:30 p.m.
LB 623	Friday, February 28, 2003	1:30 p.m.
LB 713	Friday, February 28, 2003	1:30 p.m.
LB 564	Friday, February 28, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Atkins, Sallie - State Fair Board - General Affairs

Kinsey, Jo - State Fair Board - General Affairs

Morrissey, George - State Electrical Board - General Affairs

Partsch, Frank - State Fair Board - General Affairs

Peetz, John - State Fair Board - General Affairs

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue Bonds to make renovations at the University of Nebraska-Lincoln, Harper, Schramm & Smith Residence Halls to the Appropriations Committee for further consideration.

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

COMMUNICATIONS

From: Department of Administrative Services
Ken Fougeron, Administrator
State Building Division

Larry K. Eckles, Administrator
Task Force for Building Renewal

Attached is a Request for the State Legislature to accept a Gift of Real Property, prepared by our offices in accordance with the Nebraska Revised Statute Section 81-1108.33 which requires the review and recommendation of the State Building Division and the Task Force for Building Renewal on all proposed gifts of real property. I think the information contained in this report adequately explains the specifics around this proposed gift.

A gift of land from the City of Norfolk to the Nebraska Military Department.

Tract of land located in the Southwest Quarter of Section 4, Township 23 North, Range 1 West of the 6th P.M. in Madison County, NE.

February 10, 2003

Senator Patrick Engel
Chairman, Executive Board
Room 2010, State Capitol
Lincoln, NE 68509

Dear Senator Engel,

Enclosed, please find correspondence from Mr. Ken Fougeron, Administrator, State Building Division. The correspondence relates to a request for the State Legislature to accept a Gift of Real Property.

I am forwarding this correspondence to you for action by the Executive Board.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the request to accept a Gift of Real Property from the City of Norfolk to the Nebraska Military Department to the Government, Military and Veterans Affairs Committee for further consideration.

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were Thomas Christie and Deontre Belford from Lincoln.

The Doctor of the Day was Dr. Jeff Harrison from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 11, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 2003

PRAYER

The prayer was offered by Pastor Paul Witt, St. Mary's Catholic 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 Senators Brashear, Brown, Jensen, Kremer, Landis, Maxwell, Synowiecki, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 217. Placed on Select File as amended.

E & R amendment to LB 217:

AM7027

- 1 1. On page 1, strike lines 14 through 16 and insert
- 2 "relating to personal loans; to define and redefine terms; to
- 3 change and provide powers for the Director of Banking and Finance;
- 4 to eliminate an obsolete securities fee refund; to provide and
- 5 change fees; to change provisions relating to rules and regulations
- 6 of the Department of Banking and Finance, the credit of certain
- 7 fees, delayed deposits, and".
- 8 2. On page 2, strike lines 1 through 4.
- 9 3. On page 18, line 13, strike "where", show as
- 10 stricken, and insert "when".
- 11 4. On page 19, line 1; page 22, line 4; and page 58,
- 12 line 15, strike "effective date of this act" and insert "operative
- 13 date of this section".

- 14 5. On page 32, line 1, strike "18" and insert "19"; and
 15 in line 2 strike "20" and insert "21".
 16 6. On page 50, line 9; and page 51, line 10, strike
 17 "department", show as stricken, and insert "Department of Banking
 18 and Finance".
 19 7. On page 51, line 15, strike "Department of Banking
 20 and Finance", show as stricken, and insert "department".
 21 8. On page 55, line 1, strike the comma and show as
 22 stricken.
 23 9. On page 64, line 9, strike "(f)" and insert "(e)".

LEGISLATIVE BILL 85. Placed on Select File as amended.
 E & R amendment to LB 85:
 AM7024

- 1 1. On page 1, line 6, strike "and"; and in line 7 after
 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 2, line 18; and page 3, line 24, after
 4 "writing" insert an underscored comma and strike the first comma.

LEGISLATIVE BILL 85A. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File as amended.
 E & R amendment to LB 214:
 AM7025

- 1 1. On page 2, lines 3 through 11, reinstate the stricken
 2 matter; and in line 11 strike the new matter.

LEGISLATIVE BILL 216. Placed on Select File as amended.
 E & R amendment to LB 216:
 AM7028

- 1 1. On page 1, line 5, after the first comma insert
 2 "44-5120, "; and in line 9 after "requirements" insert ",
 3 collateral,".
- 4 2. On page 38, line 20, strike "include" and insert
 5 "includes".
- 6 3. On page 39, line 6, strike "demands" and insert
 7 "demand"; and in line 18 strike "this article" and insert "the
 8 Insurers Investment Act".
- 9 4. On page 40, line 8, strike the first comma; and in
 10 line 10 strike the comma.
- 11 5. On page 41, line 13, strike "and"; and in line 16
 12 after "transaction" insert an underscored comma.
- 13 6. On page 44, line 17; page 49, line 3; and page 53,
 14 line 12, strike "18" and insert "19".
- 15 7. On page 44, line 18; page 45, line 21; page 46, line
 16 2; and page 47, line 20, strike "20" and insert "21".
- 17 8. On page 45, line 28, strike the comma.
- 18 9. On page 50, line 13, strike the comma; in line 14
 19 strike "where" and insert "when"; and in line 25 strike the first

20 "section" and insert "subsection".

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

The Standing Committee amendment, AM0118, found on page 336, 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 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 128. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

The Standing Committee amendment, AM0057, found on page 337, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 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.

LEGISLATIVE BILL 218. Title read. Considered.

The Standing Committee amendment, AM0052, found on page 337, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 355. Title read. Considered.

The Standing Committee amendment, AM0120, found on page 339, lost with 2 ayes, 32 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 464. Placed on General File.

LEGISLATIVE BILL 494. Placed on General File.

(Signed) Mark Quandahl, Chairperson

Judiciary

LEGISLATIVE BILL 148. Placed on General File.

LEGISLATIVE BILL 344. Placed on General File.

LEGISLATIVE BILL 427. Placed on General File.

LEGISLATIVE BILL 136. Placed on General File as amended.

Standing Committee amendment to LB 136:

AM0038

- 1 1. On page 2, lines 4 and 8, before "thermometers"
- 2 insert "liquid mercury" and in line 10 before "thermometer" insert
- 3 "liquid mercury".

LEGISLATIVE BILL 171. Placed on General File as amended.

Standing Committee amendment to LB 171:

AM0081

- 1 1. On page 2, line 26, after the period insert "A
- 2 nursing mother who requests to be excused shall be excused from
- 3 jury service until she is no longer nursing her child, but the
- 4 mother may be required to submit a physician's certificate in
- 5 support of her request.".
- 6 2. On page 3, lines 12 through 18, strike the new matter
- 7 and reinstate the stricken matter; and after line 18 insert:
- 8 "(4) A nursing mother shall be excused from jury service
- 9 until she is no longer nursing her child by making such request to
- 10 the court at the time the juror qualification form is filed with
- 11 the jury commissioner and including with the request a physician's
- 12 certificate in support of her request. The jury commissioner shall

13 mail the mother a notification form to be completed and returned to
 14 the jury commissioner by the mother when she is no longer nursing
 15 the child.".

LEGISLATIVE BILL 270. Placed on General File as amended.

Standing Committee amendment to LB 270:

AM0317

- 1 1. On page 2, line 11, strike "county", show as
- 2 stricken, and insert "prosecuting".

LEGISLATIVE BILL 704. Placed on General File as amended.

Standing Committee amendment to LB 704:

AM0183

- 1 1. On page 2, lines 17 and 19, after "additional" insert
- 2 "reasonable".

(Signed) Kermit A. Brashear, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 30. Introduced by Combs, 32.

WHEREAS, Ethan Thomas Jensen of Carleton, 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, Ethan Jensen 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. Ethan Jensen, for his Eagle Scout community service project, improved Milo Park in Carleton; 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, February 16, 2003, Ethan Jensen 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ethan Jensen on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ethan Jensen.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 280	Wednesday, March 5, 2003	2:30 p.m.
LB 388	Wednesday, March 5, 2003	2:30 p.m.
LB 581	Wednesday, March 5, 2003	2:30 p.m.
LB 587	Wednesday, March 5, 2003	2:30 p.m.
LB 744	Wednesday, March 5, 2003	2:30 p.m.
LB 475	Wednesday, March 5, 2003	2:30 p.m.
LB 447	Thursday, March 6, 2003	1:30 p.m.
LB 673	Thursday, March 6, 2003	1:30 p.m.
LB 691	Thursday, March 6, 2003	1:30 p.m.
LB 397	Thursday, March 6, 2003	1:30 p.m.
LB 759	Thursday, March 6, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

AMENDMENT - Print in Journal

Senator Quandahl filed the following amendment to LB 214:
AM0314

(Amendments to Standing Committee amendments, AM0034)

- 1 1. On page 1, lines 6 and 7 and 17, strike "July 1,
- 2 2003," and insert "the effective date of this act".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 233A. 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 233, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 102. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senators Erdman and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 185. 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.

LEGISLATIVE BILL 186. Title read. Considered.

Senator Beutler offered the following motion:
Indefinitely postpone.

SPEAKER BROMM PRESIDING

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

Senator Beutler moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator Beutler requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Beutler	Connealy	Landis	Schimek
Bourne	Hartnett	Louden	Synowiecki
Byars	Janssen	Preister	Thompson
Chambers	Kruse	Price	Wehrbein

Voting in the negative, 28:

Aguilar	Cunningham	Jones	Pederson, D.	Stuhr
Baker	Engel	Kremer	Quandahl	Stuthman
Bromm	Erdman	McDonald	Raikes	Tyson
Burling	Friend	Mines	Redfield	Vrtiska
Combs	Hudkins	Mossey	Schrock	
Cudaback	Johnson	Pedersen, Dw.	Smith	

Present and not voting, 3:

Foley	Jensen	Maxwell

Excused and not voting, 2:

Brashear	Brown

The Beutler motion to indefinitely postpone failed with 16 ayes, 28 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

Advanced to E & R for review with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 187. Title read. Considered.

Senator Baker offered the following amendment:
AM0292

- 1 1. On page 11, line 27, after "Act" insert "or
- 2 registered as a land surveyor as provided in sections 81-8,108 to
- 3 81-8,127".

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

The Baker amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 101. Title read. Considered.

The Standing Committee amendment, AM0123, found on page 339, 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 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS **Banking, Commerce and Insurance**

LEGISLATIVE BILL 125. Placed on General File as amended.
Standing Committee amendment to LB 125:

AM0266

- 1 1. On page 2, strike beginning with "It" in line 1
- 2 through "all" in line 8 and insert "All"; in line 14 strike
- 3 "uniform"; in line 15 strike "conforms" and insert ";
- 4 (a) Conforms"; strike beginning with the underscored
- 5 period in line 17 through "include" in line 18 and insert "by
- 6 including"; in line 21 strike "or shall contain" and insert ";or
- 7 (b) Contains" and after "following" insert
- 8 "appropriately"; in line 23 strike "(a)" and insert "(i)"; in line
- 9 25 strike "(b)" and insert "(ii)"; and in line 27 strike "(c)" and
- 10 insert "(iii)".
- 11 2. On page 3, line 1, strike "(i)" and insert "(A)"; in
- 12 line 3, strike "(ii)" and insert "(B)"; in line 6, strike "(iii)"
- 13 and insert "(C)"; in line 9 strike "(d)" and insert "(iv)"; in line
- 14 10 strike "other" and insert "the"; in line 13 strike "(e)" and
- 15 insert "(v)"; in line 15 strike "(3)" and insert "(2)" and strike
- 16 "(2)" and insert "(1)"; in line 24 strike "(4) A uniform" and
- 17 insert "(3) A"; and in line 25 strike "(2)" and insert "(1)".
- 18 3. On page 4, line 2, strike "uniform"; in lines 10 and
- 19 17 strike "(2)" and insert "(1)"; in line 11 strike "(5)" and
- 20 insert "(4)"; in line 18 strike "(6)" and insert "(5)"; and in line
- 21 22 after "contract" insert "and any self-funded employee benefit
- 22 plan to the extent not preempted by federal law or exempted by
- 23 state law".
- 24 4. On page 5, strike beginning with "(7)" in line 11
- 1 through "(8)" in line 16 and insert:
- 2 "(6) This section shall apply to all health benefit plans
- 3 delivered or issued for delivery on or after January 1, 2004, and
- 4 to all health benefit plans renewed on or after January 1, 2005.
- 5 (7)".

(Signed) Mark Quandahl, Chairperson

Health and Human Services

LEGISLATIVE BILL 73. Placed on General File as amended.

Standing Committee amendment to LB 73:

AM0304

- 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 Outpatient Surgical Procedures Data Act.
- 5 Sec. 2. The purposes of the Outpatient Surgical
- 6 Procedures Data Act are to provide for: (1) The collection and
- 7 compilation of outpatient surgical procedure information from
- 8 hospitals and ambulatory surgical centers; (2) the use and
- 9 disclosure of such information for public health purposes; and (3)
- 10 periodic reporting to the Legislature and an annual statistical
- 11 report.

12 Sec. 3. For purposes of the Outpatient Surgical
13 Procedures Data Act:

14 (1) Department means the Department of Health and Human
15 Services Regulation and Licensure;

16 (2) Medicaid means the medical assistance program
17 established in section 68-1018;

18 (3) Medicare means Title XVIII of the federal Social
19 Security Act, as such title existed on January 1, 2003;

20 (4) Outpatient surgical procedure means a surgical
21 procedure provided to patients who do not require inpatient
22 hospitalization;

23 (5) Primary payor means the public or private payor which
24 is expected to be responsible for the largest percentage of the
1 patient's current bill;

2 (6) Private payor means any nongovernmental source of
3 funding; and

4 (7) Public payor means medicaid, medicare, and any other
5 governmental source of funding.

6 Sec. 4. (1) Every hospital or ambulatory surgical center
7 licensed under the Health Care Facility Licensure Act shall
8 annually report the following outpatient surgical and related
9 information to the department no later than May 1 of each year for
10 the preceding calendar year in a format as prescribed by the
11 department in rule and regulation:

12 (a) The name of the reporting facility;

13 (b) The facility portion of billed charges for each
14 patient served at such facility;

15 (c) The county and state of residence by zip code for
16 each patient served at such facility;

17 (d) The primary outpatient surgical procedure performed
18 for each patient at such facility;

19 (e) The primary payor for each patient served at such
20 facility; and

21 (f) Such other outpatient surgical information as
22 voluntarily reported by such facilities.

23 (2) The department may impose a late fee for failure to
24 report such information as required by this section.

25 Sec. 5. All information reported to the department
26 pursuant to section 4 of this act shall be privileged
27 communications, shall not be discoverable or subject to subpoena,
1 and may not be used or offered or received in evidence in any legal
2 proceeding of any kind or character. Such information shall remain
3 confidential with the department and shall not be disclosed except
4 as provided in sections 6 and 7 of this act.

5 Sec. 6. (1) Information reported under section 4 of this
6 act may be used by the department for statistical and public health
7 planning purposes and for other public health purposes as
8 identified by the department in rule and regulation.

9 (2) The department shall periodically review information

10 collected under section 4 of this act for the purpose of
 11 identifying potential policies or practices of any reporting
 12 facility which may be detrimental to the public health, including,
 13 but not limited to, policies and practices which may have the
 14 effect of limiting access to needed health care services for
 15 Nebraska residents. The department shall provide recommendations
 16 to the Health and Human Services Committee of the Legislature
 17 relating to appropriate administrative and legislative responses to
 18 such policies and practices and shall provide an annual report to
 19 the chairperson of such committee of its findings and its current
 20 or planned activities under this section, if any.

21 Sec. 7. The department shall publish an annual
 22 statistical report from information collected under section 4 of
 23 this act which shall include: (1) The twenty most frequently
 24 performed outpatient surgical procedures by type of procedure; (2)
 25 the total number of persons served for each listed procedure; (3)
 26 the total number of persons served by county and state of residence
 27 and region of service; and (4) the average billed charges for such
 1 procedures by county and state of residence. The department shall
 2 designate service regions for the purpose of aggregating and
 3 reporting information as required by this section. No information
 4 shall be published or disclosed by the department under this
 5 section in a manner that identifies or may be used to identify any
 6 individual hospital or ambulatory surgical center.

7 Sec. 8. Costs associated with implementation of the
 8 Outpatient Surgical Procedures Data Act may be considered by the
 9 department in determining variable costs for purposes of
 10 establishing licensure fees under section 71-434 and shall not
 11 require an appropriation of General Funds.

12 Sec. 9. The department shall adopt and promulgate rules
 13 and regulations to implement the Outpatient Surgical Procedures
 14 Data Act. Such rules and regulations shall comply with all
 15 applicable provisions of federal law and shall minimize the
 16 imposition of additional costs to reporting facilities."

LEGISLATIVE BILL 121. Placed on General File as amended.

Standing Committee amendment to LB 121:

AM0290

1 1. On page 3, line 17, after "Law" insert "who shall be
 2 responsible for compliance by the mail service pharmacy with the
 3 pharmacy laws of this state. The mail service pharmacy shall
 4 notify the department when such pharmacist is no longer employed by
 5 such pharmacy".

6 2. On page 4, line 5, strike beginning with "shall" in
 7 line 5 through line 9 and insert "may deny, refuse renewal of,
 8 revoke, or otherwise discipline or restrict the license of a mail
 9 service pharmacy for: (a) Any discipline of the pharmacy license
 10 held by such pharmacy in another state pursuant to subsection
 11 (2)(a) of section 71-2407; (b) any violation of the Mail Services

12 Pharmacy Licensure Act; or (c) any act by the licensee in this
13 state or in any other state which constitutes a violation of any
14 law or rule or regulation of this state relating to the operation
15 of a pharmacy."; and strike beginning with the last comma in line
16 23 through the comma in line 24.

LEGISLATIVE BILL 221. Placed on General File as amended.
Standing Committee amendment to LB 221:
AM0320

1 1. Strike original sections 2 and 3 and insert the
2 following new sections:
3 "Sec. 2. Section 71-5408, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 ~~71-5408. Sections 71-5401 to 71-5408~~ 71-5402 to 71-5407
6 and sections 2, 3, and 10 of this act shall be known and may be
7 cited as the Nebraska Drug Product Selection Act.
8 Sec. 3. The purposes of the Nebraska Drug Product
9 Selection Act are to provide for the drug product selection of
10 equivalent drug products and to promote the greatest possible use
11 of such products.
12 Sec. 4. Section 71-5402, Revised Statutes Supplement,
13 2002, is amended to read:
14 ~~71-5402. As used in~~ For purposes of the Nebraska Drug
15 Product Selection Act, unless the context otherwise requires:
16 (1) Authorized transmitted copy means a paper copy of a
17 written, signed medical order issued by a practitioner authorized
18 to prescribe which is produced by an electronic or electromagnetic
19 transmission or other means as authorized by rule and regulation of
20 the department upon recommendation of the board;
21 (2) Bioequivalent means drug products: (a) That are
22 legally marketed under regulations promulgated by the federal Food
23 and Drug Administration; (b) that are the same dosage form of the
24 identical active ingredients in the identical amounts as the drug
1 product prescribed; (c) that comply with compendial standards and
2 are consistent from lot to lot with respect to (i) purity of
3 ingredients, (ii) weight variation, (iii) uniformity of content,
4 and (iv) stability; and (d) for which the federal Food and Drug
5 Administration has established bioequivalent standards or has
6 determined that no bioequivalence problems exist;
7 (3) Board means the Board of Pharmacy;
8 (4) Brand name means the proprietary or trade name
9 selected by the manufacturer, distributor, or packager for a drug
10 product and placed upon the labeling of such product at the time of
11 packaging;
12 (5) Chemically equivalent means drug products that
13 contain amounts of the identical therapeutically active ingredients
14 in the identical strength, quantity, and dosage form and that meet
15 present compendial standards;
16 (6) Department means the Department of Health and Human

- 17 Services Regulation and Licensure;
 18 (7) Drug product means any drug or device as defined in
 19 section 71-1,142;
 20 (8) Drug product select means to dispense, without the
 21 practitioner's express authorization, an equivalent drug product in
 22 place of the brand name drug product contained in a medical order
 23 of such practitioner;
 24 (9) Equivalent means drug products that are both
 25 chemically equivalent and bioequivalent;
 26 (10) Generic name means the official title of a drug or
 27 drug combination as determined by the United States Adopted Names
 1 Council and accepted by the federal Food and Drug Administration of
 2 those drug products having exactly the same active chemical
 3 ingredients in exactly the same strength and quantity;
 4 (11) Medical order has the definition found in section
 5 71-1,142;
 6 (12) Pharmacist means a pharmacist licensed under the
 7 Uniform Licensing Law; and
 8 (13) Practitioner has the definition found in section
 9 71-1,142.
 10 Brand name means the proprietary or trade name selected
 11 by the manufacturer, distributor, or packager for a drug and placed
 12 upon its container, label, or wrapping at the time of packaging;
 13 (2) Generic name means the official title of a drug or
 14 drug combination as determined by the United States Adopted Names
 15 and accepted by the federal Food and Drug Administration of those
 16 drug products having exactly the same active chemical ingredients
 17 in exactly the same strength and quantity;
 18 (3) Drug product select means to dispense, without the
 19 duly licensed prescriber's express authorization, a chemically
 20 equivalent and bioequivalent drug product in place of the drug
 21 product ordered or prescribed;
 22 (4) Chemically equivalent means drug products that
 23 contain amounts of the identical therapeutically active ingredients
 24 in the identical strength, quantity, and dosage form and that meet
 25 present compendial standards;
 26 (5) Bioequivalent means drug products that:
 27 (a) Are legally marketed under regulations promulgated by
 1 the federal Food and Drug Administration;
 2 (b) Are the same dosage form of the identical active
 3 ingredients in the identical amounts as the drug product
 4 prescribed;
 5 (c) Comply with compendial standards and are consistent
 6 from lot to lot with respect to (i) purity of ingredients, (ii)
 7 weight variation, (iii) uniformity of content, and (iv) stability;
 8 and
 9 (d) For which the federal Food and Drug Administration
 10 has established bioequivalent standards or has determined that no
 11 bioequivalence problems exist;

12 (6) Pharmacist means a pharmacist duly licensed in
13 accordance with the Uniform Licensing Law;
14 (7) Medical practitioner has the same meaning as
15 practitioner in section 71-1,142; and
16 (8) Department means the Department of Health and Human
17 Services Regulation and Licensure.
18 Sec. 5. Section 71-5403, Revised Statutes Supplement,
19 2002, is amended to read:
20 71-5403. (1) A pharmacist may drug product select except
21 when:
22 (a) A practitioner designates that drug product selection
23 is not permitted by specifying in his or her own handwriting on the
24 face of the prescription or by telephonic or electronic
25 communication that there shall be no drug product selection. For
26 written prescriptions, the practitioner shall specify on the
27 prescription the phrase "no drug product selection," "dispense as
1 written," "brand medically necessary," or "no generic substitution"
2 or the notation "N.D.P.S.," "B.M.N.," or "D.A.W." or words or
3 notations of similar import to indicate that drug product selection
4 is not permitted. The pharmacist shall note "N.D.P.S." or "No Drug
5 Product Selection" on the face of the prescription to indicate that
6 drug product selection is not permitted if such is communicated
7 orally by the prescribing practitioner; or
8 (b) A patient or representative or caregiver of such
9 patient instructs otherwise.
10 (2) A pharmacist shall not drug product select a drug
11 product unless:
12 (a) The drug product, if it is in solid dosage form, has
13 been marked with an identification code or monogram directly on the
14 dosage unit;
15 (b) The drug product has been labeled with an expiration
16 date;
17 (c) The manufacturer, distributor, or packager of the
18 drug product provides reasonable services, as determined by the
19 board, to accept the return of drug products that have reached
20 their expiration date; and
21 (d) The manufacturer, distributor, or packager maintains
22 procedures for the recall of unsafe or defective drug products.
23 Except as limited (a) by this section, when a medical practitioner
24 designates that no drug product selection is permitted, and (b) by
25 subsection (1) of section 71-5404, unless the purchaser instructs
26 otherwise, the pharmacist may drug product select a drug product
27 with the same generic name in the same strength, quantity, dose,
1 and dosage form as the prescribed drug which is, in the
2 pharmacist's professional opinion, bioequivalent, except that
3 products designated as controlled substances as listed in Schedule
4 I of section 28-405 shall not be interchanged. It shall be the
5 responsibility of the purchaser or the ultimate user to advise or
6 instruct the pharmacist that he or she does not desire drug product

7 selection, and it shall not be mandatory for the pharmacist to drug
8 product select against his or her professional judgment.

9 (2) The department may adopt and promulgate necessary
10 rules and regulations, upon the joint recommendation of the Board
11 of Medicine and Surgery and the Board of Pharmacy, relating to (a)
12 bioavailability, (b) fraudulent or misleading advertising
13 pertaining to drug product selection, and (c) the control of
14 conditions in which the prescribing practitioner or purchaser
15 should be advised when drug product selection has been made by the
16 pharmacist.

17 (3) A medical practitioner duly authorized to prescribe
18 drugs, medicinal substances, or controlled substances may specify
19 in writing or by telephonic communication on each prescription that
20 there shall be no drug product selection for the specified brand
21 name drug in any prescription. The phrase no drug product
22 selection or the notation N.D.P.S. shall be specified on the
23 prescription form or orally communicated by the medical
24 practitioner. The pharmacist shall note N.D.P.S. on the face of
25 the prescription if such is communicated orally by the prescribing
26 medical practitioner.

27 (4) Each pharmacy shall post a sign in a location easily
1 seen by patrons at the counter where prescriptions are dispensed
2 stating that this pharmacy may be able to select a less expensive
3 drug product which is bioequivalent to the one prescribed by the
4 prescriber unless the purchaser does not approve. The sign shall
5 be provided by the department, at a cost to the pharmacy which
6 shall not exceed the actual cost of printing to the department, and
7 the printing on the sign shall be in block letters not less than
8 one inch in height.

9 (5) A pharmacist shall not drug product select a product
10 under the provisions of this section unless: (a) The product, if it
11 is in solid dosage form, has been marked with an identification
12 code or monogram directly on the dosage unit; (b) the product has
13 been labeled with an expiration date; (c) the manufacturer,
14 distributor, or packager provides reasonable services to accept
15 return products that have reached their expiration date; and (d)
16 the manufacturer, distributor, or packager maintains recall
17 capabilities for unsafe or defective drugs.

18 (6)(a) Except as provided in subdivision (b) of this
19 subsection, a pharmacist shall not drug product select a product
20 under this section that is:

21 (i) An enteric-coated tablet or capsule;

22 (ii) An injectable suspension other than an antibiotic or
23 insulin;

24 (iii) A controlled-release product;

25 (iv) A suppository containing active ingredients for
26 which systemic absorption is necessary; or

27 (v) A different delivery system for aerosol and nebulizer
1 drugs.

2 (b) A pharmacist may drug product select a product set
3 forth in subdivision (a) of this subsection if such product has
4 been determined by the Food and Drug Administration to be
5 bioequivalent and therapeutically equivalent to the prescribed
6 drug.

7 (7) The department shall maintain a list of drug products
8 for which bioequivalency has been demonstrated and documented
9 either federally or by the state.

10 Sec. 8. Section 71-5406, Revised Statutes Supplement,
11 2002, is amended to read:

12 71-5406. The manufacturer, packager, or distributor of
13 any ~~human use~~ legend drug sold, delivered, or offered for sale for
14 ~~human use~~ in the State of Nebraska after January 1, 1978, shall
15 have the name and address of the manufacturer of the finished
16 dosage form of the drug printed on the label on the ~~immediate~~
17 ~~container of the drug~~ the name and address of the manufacturer of
18 the finished dosage form of the container of such drug. Whenever a
19 duly authorized agent of the department ~~finds or~~ has probable cause
20 to believe that any drug is without such labeling, the agent shall
21 embargo such drug and shall affix ~~thereto~~ an appropriate marking,
22 ~~giving thereto~~. Such marking shall contain: (1) Adequate notice
23 that (a) the drug is or is suspected of being sold, delivered, or
24 offered for ~~gain sale~~ in violation of the Nebraska Drug Product
25 Selection Act and (b) has been embargoed; and (2) a ~~and~~ warning
26 that it is unlawful for any person to remove or dispose of the
27 embargoed drug by sale or otherwise without the permission from of
1 the agent or a court of competent jurisdiction.

2 Sec. 10. The department may adopt and promulgate rules
3 and regulations necessary to implement the Nebraska Drug Product
4 Selection Act upon the joint recommendation of the Board of
5 Medicine and Surgery and the Board of Pharmacy.

6 Sec. 12. The following section is outright repealed:

7 Section 71-5401, Reissue Revised Statutes of Nebraska."

8 2. On page 9, line 3, strike "verbally" and insert
9 "orally".

10 3. On page 10, line 10, strike "made" and show as
11 stricken; in line 11 strike "in" through "and", show as stricken,
12 and insert "pursuant to the act or"; in line 12 strike "that"
13 through "promulgate", show as stricken, and insert "adopted and
14 promulgated"; in line 14 after "within" insert "the"; in line 17
15 strike "in accordance with", show as stricken, and insert "under";
16 strike beginning with "In" in line 19 through the second "the" in
17 line 20, show as stricken, and insert "The"; and in line 28 strike
18 "the provisions", show as stricken, and insert "any provision".

19 4. On page 11, line 2, strike "such" through "be", show
20 as stricken, and insert "the act is"; in line 4 strike "shall be",
21 show as stricken, and insert "is" and strike "an" and show as
22 stricken; in line 7 strike "the", show as stricken, and insert "a";
23 and in line 9 after "Original" insert "section 71-5408, Reissue

24 Revised Statutes of Nebraska, and" and after the second comma
 25 insert "71-5406,".
 26 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 383. Placed on General File as amended.
 Standing Committee amendment to LB 383:
 AM0286

1 1. On page 2, line 5, strike "individual" and insert
 2 "person"; strike beginning with "Food" in line 7 through "have" in
 3 line 11 and insert "A person shall be ineligible for food stamp
 4 benefits under this section if he or she (1) has had three or more
 5 convictions for the possession or use of a controlled substance or
 6 (2) has been convicted of a felony involving the sale or
 7 distribution of a controlled substance under section 28-416. A
 8 person shall only be eligible to receive food stamp benefits under
 9 this section if he or she is participating in or has"; and strike
 10 beginning with "whether" in line 13 through "will" in line 15 and
 11 insert "such participation or completion shall".

LEGISLATIVE BILL 390. Placed on General File as amended.
 Standing Committee amendment to LB 390:
 AM0274

1 1. On page 3, lines 4, 8, and 19, strike
 2 "hearing-impaired", show as stricken, and insert "deaf or hard of
 3 hearing"; in line 5 strike "an able-bodied", show as stricken, and
 4 insert "any other"; in lines 20, 22, and 26 strike "aid"; in line
 5 22 before "trainer" insert "bona fide"; and in line 23 strike the
 6 second "the" and insert "such".
 7 2. On page 4, line 7, after the stricken matter insert
 8 "of such person"; in line 10 strike "hearing-impaired", show as
 9 stricken, and insert "deaf or hard of hearing"; in line 12 strike
 10 "shall be", show as stricken, and insert "is"; in line 13 after
 11 "agent" insert "of such person"; in line 15 before "trainer" insert
 12 "bona fide"; in line 16 strike "aid" and strike the second "a" and
 13 insert "such"; and in line 17 strike "shall be" and insert "is".

LEGISLATIVE BILL 414. Placed on General File as amended.
 Standing Committee amendment to LB 414:
 AM0287

1 1. Strike original section 1 and insert the following
 2 new section:
 3 "Section 1. Section 43-536, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 43-536. In determining the rate of reimbursement for
 6 child care, the Department of Health and Human Services Finance and
 7 Support shall conduct a market rate survey of the child care
 8 providers in the state. The Department of Health and Human
 9 Services shall adjust the reimbursement rate for child care every
 10 second year beginning July 1, 1997, odd-numbered year at a rate not

11 less than the sixtieth percentile and not to exceed the
12 seventy-fifth percentile of the current market rate survey, except
13 that (1) nationally accredited child care providers may be
14 reimbursed at higher rates and (2) for the two fiscal years
15 beginning July 1, 2003, such rate may be less than the sixtieth
16 percentile but shall not be less than the rate for the immediately
17 preceding fiscal year."

(Signed) Jim Jensen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 31. Introduced by Bromm, 23.

WHEREAS, the NEBRASKAland Foundation, on Saturday, March 1, 2003, at the annual Statehood Day dinner, held in the Nebraska State Capitol, presents the distinguished Nebraskalander Award, along with the Wagonmaster, Trailblazer, and Pioneer awards; and

WHEREAS, the Wagonmaster Award is presented to John Rosenow, who is now the President of the National Arbor Day Foundation which has more than one million members. Under his leadership the foundation created the Tree City USA community forestry program and developed the National Arbor Day awards program which involves students in fifty thousand classrooms. In 1971, at the age of 21, John was the nation's youngest State Travel Director and won two Discover America awards for creating the "Nebraska. . the good life" tourism marketing program; and

WHEREAS, the Pioneer Award is presented to Harold Stevens, who earned the honor of being Nebraska's first inductee into the National 4-H Hall of Fame. He has spent nearly sixty years in 4-H work with thousands of young people and assisting many teams to win awards at national 4-H competitions. He has also led youth tours to Russia, China, and Europe. He has won numerous other awards for his work with youth including the Ak-Sar-Ben Agricultural Achievement Award and the USDA Award of Superior Service; and

WHEREAS, the Trailblazer Award is presented to U.S. Navy Lt. Shane Osborn, who on April 1, 2001, was commanding a mission over international airspace in the South China Sea when his reconnaissance airplane was intercepted by two Chinese jet fighters. One of the fighters collided with Lt. Osborn's airplane causing major damage. Lt. Osborn regained control of his crippled airplane and had no choice but to land at an air base on the Chinese Island of Hainan. He was awarded the Distinguished Flying Cross and the Meritorious Service Medal for his actions in saving his airplane and crew; and

WHEREAS, the distinguished NEBRASKAlander Award is presented to James and Ruth Keene, who have helped many civic and fine arts organizations. They were the founders of the concert series in Brownville and the founders of the Opera Omaha Council. They have also been honored as the Omaha United Way Volunteers of the Year. Ruth is president of the Museum of Nebraska Art and a board member of the Willa

Cather Foundation. James is a Trustee of Doane College, a board member of the Nebraska Shakespeare Festival, and past president of the Omaha Symphony Council. James and Ruth have also received the Bemis Center for the Arts Award for their work.

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

1. That the Legislature extends its appreciation to these honorees for their service to the State of Nebraska.
2. That a copy of this resolution be given to all honorees.

Laid over.

LEGISLATIVE RESOLUTION 32. Introduced by Vrtiska, 1.

WHEREAS, the United States Department of Labor announced an open, competitive process for all national, private sector grants under the Senior Community Service Employment Program (SCSEP); and

WHEREAS, Experience Works founded the program in 1965 as a small demonstration project to help older, low-income farmers supplement their income and provide community service training and employment while providing important services to their local communities; and

WHEREAS, in 2002, Experience Works placed thirty-eight percent of its SCSEP participants into good jobs through its program which is one hundred ninety percent of the twenty percent goal established by the United States Congress; and

WHEREAS, Experience Works has significantly improved the quality of life of its senior participants despite significant barriers to employment and has provided employment opportunities and resources in rural counties where in such opportunities are frequently limited; and

WHEREAS, Experience Works operates in a very efficient manner by providing one of the lowest cost-per-participant rates and providing that eighty-nine cents of every dollar goes directly to participants in the form of wages for community service assignments, benefits, training, support services, and direct employment assistance; and

WHEREAS, participants placed by Experience Works through this program have their average earning increased by three hundred fifty-seven percent and participants provided sixteen million hours of community service to over ten thousand organizations and agencies; and

WHEREAS, Experience Works is an organization with an extensive proven, nationwide service delivery system, a state-of-the-art information technology capability, a dedicated and knowledgeable staff, significant experience, and an outstanding record of performance and fiscal accountability that demonstrates the benefits of employing the talents of our older citizens.

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

1. That the Legislature urges the United States Department of Labor to award a Senior Community Service Employment Program (SCSEP) grant to Experience Works in Nebraska and throughout the country.

2. That a copy of this resolution be sent to the President of the United States, the Secretary of Labor, and each member of the Nebraska congressional delegation.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
 Room 1510

LB 714	Thursday, February 20, 2003	1:30 p.m.
LB 671	Thursday, February 20, 2003	1:30 p.m.
LB 467	Thursday, February 20, 2003	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs
 Room 1507

LB 461	Thursday, February 20, 2003	1:30 p.m.
LB 529	Thursday, February 20, 2003	1:30 p.m.
LB 548	Thursday, February 20, 2003	1:30 p.m.
LB 568	Thursday, February 20, 2003	1:30 p.m.
LB 463	Thursday, February 20, 2003	1:30 p.m.
LB 472	Thursday, February 20, 2003	1:30 p.m.
LB 232	Friday, February 21, 2003	1:30 p.m.
LB 323	Friday, February 21, 2003	1:30 p.m.
LB 396	Friday, February 21, 2003	1:30 p.m.
LB 565	Friday, February 21, 2003	1:30 p.m.
LB 603	Friday, February 21, 2003	1:30 p.m.
LB 465	Wednesday, February 26, 2003	1:30 p.m.
LB 567	Wednesday, February 26, 2003	1:30 p.m.
LB 656	Wednesday, February 26, 2003	1:30 p.m.
LB 661	Wednesday, February 26, 2003	1:30 p.m.
LB 665	Wednesday, February 26, 2003	1:30 p.m.
LB 317	Thursday, February 27, 2003	1:30 p.m.
LB 352	Thursday, February 27, 2003	1:30 p.m.
LB 503	Thursday, February 27, 2003	1:30 p.m.
LB 707	Thursday, February 27, 2003	1:30 p.m.
LR 19CA	Thursday, February 27, 2003	1:30 p.m.
LB 310	Friday, February 28, 2003	1:30 p.m.
LB 492	Friday, February 28, 2003	1:30 p.m.
LB 784	Friday, February 28, 2003	1:30 p.m.
LB 327	Wednesday, March 5, 2003	1:30 p.m.

LB 437	Wednesday, March 5, 2003	1:30 p.m.
LB 439	Wednesday, March 5, 2003	1:30 p.m.
LB 445	Wednesday, March 5, 2003	1:30 p.m.
LB 477	Wednesday, March 5, 2003	1:30 p.m.
LB 582	Thursday, March 6, 2003	1:30 p.m.
LB 583	Thursday, March 6, 2003	1:30 p.m.
LB 584	Thursday, March 6, 2003	1:30 p.m.
LB 523	Wednesday, March 12, 2003	1:30 p.m.
LB 550	Wednesday, March 12, 2003	1:30 p.m.
LB 551	Wednesday, March 12, 2003	1:30 p.m.
LB 745	Wednesday, March 12, 2003	1:30 p.m.
LB 253	Thursday, March 13, 2003	1:30 p.m.
LB 678	Thursday, March 13, 2003	1:30 p.m.
LB 763	Thursday, March 13, 2003	1:30 p.m.
LB 154	Thursday, March 13, 2003	1:30 p.m.
LB 444	Thursday, March 13, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

MOTION - Print in Journal

Senator Jensen filed the following motion to LB 723:
Withdraw LB 723, pursuant to Rule 5, Section 12.

VISITORS

Visitors to the Chamber were Family and Consumer Science Teachers and FCCLA members from 13 Nebraska schools; and 13 twelfth-grade students and teacher from Twin Valley School, Bartley.

The Doctor of the Day was Dr. Jeff Harrison from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 12, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 2003

PRAYER

The prayer was offered by Pastor Joe Culpepper, Southview Christian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Johnson and Mossey who were excused; and Senators Landis, Maxwell, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 32 was referred to the Reference Committee.

MESSAGE FROM THE GOVERNOR

February 10, 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 Game and Parks Commission.

APPOINTEES:

Mark Pinkerton, 1365 W State Hwy 4, Beatrice, NE 68310

James Stuart, 2425 Ridge Rd, Lincoln, NE 68512

William Zutavern, PO 158, Dunning, NE 68833

Gary Parker, 6272 Country Club Dr, Columbus, NE 68601

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 28 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 28.

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

The Standing Committee amendment, AM0106, found on page 339, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 53. Title read. Considered.

The Standing Committee amendment, AM0110, found on page 344, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senators Brashear and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 181. Title read. Considered.

The Standing Committee amendment, AM0065, found on page 344, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

SENATOR SCHIMEK PRESIDING

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

The Standing Committee amendment, AM0042, found on page 370, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

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

Senator Thompson moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

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

Voting in the affirmative, 25:

Aguilar	Connealy	Hartnett	Pederson, D.	Schrock
Beutler	Cunningham	Jensen	Preister	Smith
Bromm	Erdman	Kruse	Price	Stuthman
Brown	Foley	Louden	Raikes	Thompson
Byars	Friend	Maxwell	Schimek	Wehrbein

Voting in the negative, 4:

Baker	Combs	Redfield	Tyson

Present and not voting, 13:

Bourne	Hudkins	Kremer	Mines	Vrtiska
Cudaback	Janssen	Landis	Stuhr	
Engel	Jones	McDonald	Synowiecki	

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brashear	Johnson	Pedersen, Dw.
Burling	Mossey	Quandahl

Advanced to E & R for review with 25 ayes, 4 nays, 13 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Wehrbein asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 209. Placed on General File.

LEGISLATIVE BILL 227. Placed on General File.

LEGISLATIVE BILL 480. Placed on General File.

LEGISLATIVE BILL 481. Placed on General File.

LEGISLATIVE BILL 353. Placed on General File as amended.

Standing Committee amendment to LB 353:

AM0239

- 1 1. On page 2, line 7, strike "suspension" and insert
- 2 "impoundment"; and in line 13 strike "suspend" and insert
- 3 "impound".

LEGISLATIVE BILL 140. Indefinitely postponed.

LEGISLATIVE BILL 166. Indefinitely postponed.

LEGISLATIVE BILL 753. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

Senator Aguilar designates LB 454 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

The Standing Committee amendment, AM0124, found on page 374, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 2CA. Read. Considered.

SENATOR CUDABACK PRESIDING

Senators Aguilar and Foley asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 319. Title read. Considered.

The Standing Committee amendment, AM0112, found on page 374, 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 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 451. Title read. Considered.

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

The Standing Committee amendment, AM0094, found on page 375, 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 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 158. Title read. Considered.

The Standing Committee amendment, AM0125, found on page 380, was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 532. Placed on General File as amended.

Standing Committee amendment to LB 532:

AM0276

- 1 1. On page 2, lines 5 and 9, after "by" insert "or under
- 2 contract with".
- 3 2. On page 3, line 9, strike "or"; in line 16 after
- 4 "homicide" insert ";
- 5 (e) Been convicted of a violation of section 28-416 in
- 6 the ten years preceding the date of the application;
- 7 (f) Been convicted of an offense involving unlawful
- 8 possession or use of a firearm in the ten years preceding the date
- 9 of the application; or
- 10 (g) Been convicted of any assault in the five years
- 11 preceding the date of the application"; strike lines 17 through 19;
- 12 and strike beginning with "for" in line 20 through "issuance" in
- 13 line 21 and insert "until the licensee's birthday in the second
- 14 year after issuance and may be renewed for two-year periods
- 15 thereafter".

LEGISLATIVE BILL 560. Placed on General File as amended.

Standing Committee amendment to LB 560:

AM0329

- 1 1. On page 39, lines 7 and 19; and page 45, line 26,
- 2 strike "thirty" and insert "eighteen".

LEGISLATIVE BILL 303. Placed on General File as amended.

(Standing Committee amendment, AM0159, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 342. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 33. Introduced by Dw. Pedersen, 39.

WHEREAS, Berkley Bailey was a longtime supporter of Native American causes; and

WHEREAS, Berkley Bailey was a former teacher at the University of Nebraska-Lincoln and consultant; and

WHEREAS, Berkley Bailey championed the cause of proper reburial of Native American remains and for the return of such remains from the University of Nebraska-Lincoln to the appropriate tribes; and

WHEREAS, Berkley Bailey died January 20, 2003, in Lincoln, Nebraska.

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

1. That the Legislature extends its sympathy to Berkley Bailey's wife, Martha McCollough, family, and friends.

2. That a copy of this resolution be sent to the family of Berkley Bailey.

Laid over.

AMENDMENT - Print in Journal

Senator Quandahl filed the following amendment to LB 217:
AM0316

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 8-116.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 8-116.01. With the approval of the ~~Director of Banking~~
- 5 ~~and Finance~~ director, any banking institution as defined in section
- 6 8-701 may at any time, through action of its board of directors and
- 7 without requiring any action of its stockholders, issue and sell
- 8 its capital notes or debentures. Such capital notes or debentures
- 9 shall be subordinate and subject to the claims of depositors and
- 10 may be subordinated and subjected to the claims of other creditors.
- 11 The capital stock of any bank or trust company as such term capital
- 12 stock is used respectively in sections 8-116, 8-118, 8-127 and
- 13 8-205, the capital of any corporation transacting a banking
- 14 business as the term capital is used in section 8-187, the capital
- 15 of a bank as the term capital is used in section 8-132, and the
- 16 capital stock of any trust company as the term capital stock is
- 17 used in sections 8-218 to 8-221, shall be deemed to be unimpaired
- 18 when the amount of such capital notes and debentures as represented
- 19 by cash or sound assets exceeds the impairment as found by the
- 20 ~~Department of Banking and Finance~~ department. Before any such
- 21 capital notes or debentures are retired or paid by the banking
- 22 institution any existing deficiency of its capital, disregarding
- 23 the notes or debentures to be retired, must be paid in, in cash, to
- 24 the end that the sound capital assets shall at least equal the
- 1 capital or capital stock of the respective institutions named above
- 2 in the sense such terms capital and capital stock are used in the
- 3 respective sections named. Such capital notes or debentures shall
- 4 in no case be subject to any assessment. The holders of such
- 5 capital notes or debentures shall not be held individually
- 6 responsible as such holders for any debts, contracts, or
- 7 engagements of such institution; and shall not be held liable for
- 8 assessments to restore impairments in the capital of such
- 9 institution."
- 10 2. On page 10, line 8, strike "reserve", show as
- 11 stricken, and insert "available funds, reserves".
- 12 3. On page 19, line 10, strike "conveyance", show as
- 13 stricken, and insert "conveyances".
- 14 4. On page 27, line 12, strike "8-710", show as
- 15 stricken, and insert "8-709".
- 16 5. On page 32, lines 1 and 2, strike "18 and 20" and
- 17 insert "20 and 22".

- 18 6. On page 56, line 14, strike "846", show as stricken,
 19 and insert "9101".
 20 7. On page 57, line 22, after "Union" insert
 21 "Administration".
 22 8. On page 65, line 17, strike "44" and insert "45".
 23 9. On page 67, line 27, after "subject" insert "to
 24 59-1751".
 25 10. On page 68, line 2, strike "and 59-1751"; strike
 26 beginning with "1" in line 19 through "50" in line 20 and insert "2
 27 to 8, 10, 11, 12 to 32, 34 to 47, 50, and 51"; and in line 25 after
 1 "sections" insert "8-116.01".
 2 11. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1003

Wednesday, February 19, 2003

1:15 p.m.

Bond Issue - University of Nebraska - Lincoln residence halls improvements

(Signed) Don Pederson, Vice Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 259. No objections. So ordered.

Senator Wehrbein asked unanimous consent to have his name added as cointroducer to LR 2CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were Emily Darter from Lincoln; 12 participants in the Phelps/Kearney County Leadership Development Program from Holdrege and Minden; 10 members with the Carman's Transportation Communication Union from Alliance; and members of the Scottsbluff/Gering United Chamber, Alliance Chamber, Leadership Box Butte, Sidney Area Leaders for Tomorrow, and Leadership Scotts Bluff.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator McDonald, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 2003.

Patrick J. O'Donnell
 Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 13, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 2003

PRAYER

The prayer was offered by Senator Kruse.

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 Beutler, Brashear, Brown, Chambers, Cunningham, Engel, Erdman, Landis, Maxwell, Quandahl, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

**STANDING COMMITTEE REPORTS
Transportation and Telecommunications**

LEGISLATIVE BILL 609. Placed on General File.

LEGISLATIVE BILL 740. Placed on General File.

LEGISLATIVE BILL 531. Placed on General File as amended.

(Standing Committee amendment, AM0265, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Tom Baker, Chairperson

MOTION - Withdraw LB 723

Senator Jensen renewed his pending motion, found on page 495, to withdraw LB 723.

The Jensen motion to withdraw prevailed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 76. E & R amendment, AM7005, found on page 309, was adopted.

Senator Hartnett renewed his pending amendment, AM0078, found on page 317.

The Hartnett amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 30. Senator Schrock offered the following amendment:
AM0365

- 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 the new matter and all amendments
- 5 thereto and insert "(1) Any person who violates a cease and desist
- 6 order issued by a district pursuant to section 46-656.08 shall be
- 7 subject to a civil penalty of not less than one thousand dollars
- 8 and not more than five thousand dollars for each day an intentional
- 9 violation occurs. In assessing the amount of the civil penalty,
- 10 the court shall consider the degree and extent of the violation,
- 11 the size of the operation, whether the violator has been previously
- 12 convicted or subjected to a civil penalty under this section, and
- 13 any economic benefit derived from noncompliance. Any civil penalty
- 14 assessed and unpaid shall constitute a debt to the state which may
- 15 be collected in the manner of a lien foreclosure or sued for and
- 16 recovered in a proper form of action in the name of the state in
- 17 the district court of the county in which the violator resides or
- 18 owns property. The court shall, within thirty days after receipt,
- 19 remit the civil penalty to the State Treasurer for credit to the
- 20 permanent school fund.
- 21 (2)(a) Prior to issuing a cease and desist order against
- 22 a public water supplier as defined in section 46-638, the district
- 23 shall consult with the Attorney General. If the Attorney General
- 24 determines that the district does not have sufficient grounds to
- 1 issue a cease and desist order, the district shall abide by such
- 2 determination and shall not issue a cease and desist order. The
- 3 Attorney General shall have exclusive authority to enforce actions
- 4 under this subsection.
- 5 (b) Any determination as to whether a water well is
- 6 properly registered under sections 46-602 to 46-604 or whether a
- 7 water well is properly permitted under the Municipal and Rural
- 8 Domestic Ground Water Transfers Permit Act shall be made by the

9 Department of Natural Resources.
 10 (3) When the Attorney General, a county attorney, or a
 11 private attorney brings an action on behalf of a natural resources
 12 district to recover a civil penalty under this section, the
 13 district shall recover the costs of the action if a civil penalty
 14 is awarded. Any recovered costs of the action shall be: (a)
 15 Remitted to the State Treasurer for credit to the Department of
 16 Justice Natural Resources Enforcement Fund if the action is brought
 17 by the Attorney General; (b) credited to the applicable county fund
 18 if the action is brought by the county attorney; and (c) remitted
 19 to the natural resources district if the action is brought by the
 20 district's private attorney.
 21 (4) The Department of Justice Natural Resources
 22 Enforcement Fund is created. The fund shall consist of money
 23 credited pursuant to subsection (3) of this section. Money in the
 24 fund shall be used to reimburse the office of the Attorney General
 25 for the costs incurred in enforcing this section. Any money in the
 26 fund available for investment shall be invested by the state
 27 investment officer pursuant to the Nebraska Capital Expansion Act
 1 and the Nebraska State Funds Investment Act."

The Schrock 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 213. Advanced to E & R for engrossment.

LEGISLATIVE BILL 241. E & R amendment, AM7014, found on page 408, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 31. Advanced to E & R for engrossment.

LEGISLATIVE BILL 305. E & R amendment, AM7015, found on page 408, was adopted.

Senator Jensen offered the following amendment:
 FA1158

On page 3, strike from "The" in line 4 through "prohibited" in line 6 and insert "No hunting permit shall be issued to any person who is known to have a significant physical or mental disability and who is unable to safely carry or use a firearm because of such disability".

The Jensen amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 72. E & R amendment, AM7016, found on page 431, was adopted.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 291. E & R amendment, AM7018, found on page 432, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 292. E & R amendment, AM7017, found on page 432, was adopted.

Senator Landis renewed his pending amendment, AM0288, found on page 461.

The Landis amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 41. E & R amendment, AM7019, found on page 437, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 84. Advanced to E & R for engrossment.

LEGISLATIVE BILL 90. E & R amendment, AM7020, found on page 445, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 126. Advanced to E & R for engrossment.

LEGISLATIVE BILL 243. Advanced to E & R for engrossment.

LEGISLATIVE BILL 429. E & R amendment, AM7021, found on page 445, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 238. E & R amendment, AM7023, found on page 463, was adopted.

Senator Price renewed her pending amendment, AM0280, found on page 460.

The Price amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 333. E & R amendment, AM7022, found on page 463, was adopted.

Senator Burling offered the following amendment:
AM0373

- 1 1. On page 3, line 2, strike "purchase or otherwise
2 acquire or".

The Burling amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 333A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 131. E & R amendment, AM7026, found on page 470, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 217. E & R amendment, AM7027, found on page 475, was adopted.

Senator Quandahl renewed his pending amendment, AM0316, found on page 503.

The Quandahl amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:
AM0306

- 1 1. Strike original section 9.
- 2 2. In the E & R amendment, AM7027, strike amendment 5.
- 3 3. On page 65, line 17, strike "44" and insert "43".
- 4 4. On page 68, strike beginning with "10" in line 19

5 through "50" in line 20 and insert "11 to 30, 32 to 45, 48, and 6 49".

7 5. On page 69, line 1, strike "8-208,".

8 6. Renumber the remaining sections accordingly.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler 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 85. E & R amendment, AM7024, found on page 476, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 85A. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 214. E & R amendment, AM7025, found on page 476, was adopted.

Senator Quandahl renewed his pending amendment, AM0314, found on page 480.

The Quandahl 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 216. E & R amendment, AM7028, found on page 476, was adopted.

Senator Beutler offered the following amendment:
AM0368

1 1. On page 44, line 22, after "that" insert "an insurer
2 may at its option file policy forms and related rules of attachment
3 in accordance with section 44-7513 and".

4 2. On page 45, line 24, after "section" insert "or that
5 the insurer committed one or more egregious acts relating to the
6 filing standards".

7 3. On page 46, line 4, strike the first "shall" and
8 insert "may".

9 4. On page 49, line 25, strike "may" and insert "shall"

10 and strike "at any" and insert "within a reasonable".

11 5. On page 50, lines 7 and 16, strike "within thirty
12 days after its receipt"; in line 13 after "but" insert "with the
13 approval of the director"; and strike beginning with "thirty-day"
14 in line 18 through "director" in line 20 and insert "filer shall
15 furnish the requested information within ninety days".

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

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment:

FA1159

1. On page 44, line 22, after "that" insert "an insurer may at its option file
policy forms and related rules of attachment in accordance with section
44-7513 and".

2. On page 45, line 24, after "section" insert "or that the insurer committed
one or more egregious acts relating to the filing standards".

4. On page 49, line 25, strike "may" and insert "shall" and strike "at any"
and insert "within a reasonable".

The Beutler amendment lost with 6 ayes, 9 nays, 30 present and not voting,
and 4 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 228A. 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 228, Ninety-eighth
Legislature, First Session, 2003.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

LB 402	Monday, February 24, 2003	1:30 p.m.
LB 403	Monday, February 24, 2003	1:30 p.m.
LB 404	Monday, February 24, 2003	1:30 p.m.
LB 405	Monday, February 24, 2003	1:30 p.m.
LB 406	Monday, February 24, 2003	1:30 p.m.
LB 407	Monday, February 24, 2003	1:30 p.m.
LB 408	Monday, February 24, 2003	1:30 p.m.
LB 409	Monday, February 24, 2003	1:30 p.m.

Tuesday, February 25, 2003

1:30 p.m.

AGENCY 57 - Oil & Gas Commission
AGENCY 39 - Brand Committee
AGENCY 56 - Nebraska Wheat Board
AGENCY 60 - Ethanol Board
AGENCY 61 - NE Dairy Industry Dev. Board
AGENCY 86 - Dry Bean Commission
AGENCY 88 - Corn Board
AGENCY 92 - Grain Sorghum Board
AGENCY 29 - Dept. of Natural Resources
AGENCY 52 - State Board of Agriculture

Room 1003

Wednesday, February 26, 2003

1:30 p.m.

AGENCY 59 - Geologists Board
AGENCY 45 - Bd. of Barber Examiners
AGENCY 30 - Electrical Board
AGENCY 74 - Power Review Board
AGENCY 41 - Real Estate Commission
AGENCY 53 - Real Estate Appraiser Board
AGENCY 63 - Bd. of Public Accountancy
AGENCY 32 - Bd. of Educational Lands-Funds
AGENCY 62 - Land Surveyors
AGENCY 36 - Racing Commission
AGENCY 58 - Engineers & Architects
AGENCY 66 - Bd. of Examiners Abstracters
AGENCY 73 - Landscape Architects

Thursday, February 27, 2003

1:30 p.m.

AGENCY 81 - Blind & Visually Impaired
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 82 - Comm. Deaf & Hard of Hearing

Friday, February 28, 2003

1:30 p.m.

AGENCY 23 - Dept. of Labor
AGENCY 18 - Dept. of Agriculture
AGENCY 84 - Dept. of Environmental Quality

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENT - Print in Journal

Senator Quandahl filed the following amendment to LB 218:
AM0355

- 1 1. On page 16, line 16, strike "three" and insert "two".

GENERAL FILE

LEGISLATIVE RESOLUTION 16CA. Read. Considered.

Senators Beutler, Brashear, Engel, and Kremer asked unanimous consent to be excused. No objections. So ordered.

Senator McDonald asked unanimous consent to bracket LR 16CA to March 1, 2003. No objections. So ordered.

LEGISLATIVE BILL 114. Title read. Considered.

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 257. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 186:
AM0347

- 1 1. On page 3, line 17, strike "Department of Roads",
- 2 show as stricken, and insert "Travel and Tourism Division of the
- 3 Department of Economic Development".

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

LB 210	Monday, February 24, 2003	1:30 p.m.
LB 332	Monday, February 24, 2003	1:30 p.m.
LB 725	Monday, February 24, 2003	1:30 p.m.
LB 733	Monday, February 24, 2003	1:30 p.m.
LB 752	Monday, February 24, 2003	1:30 p.m.
LB 558	Monday, February 24, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

General Affairs
Room 1510

LB 266	Monday, February 24, 2003	1:30 p.m.
LB 533	Monday, February 24, 2003	1:30 p.m.
LB 606	Monday, February 24, 2003	1:30 p.m.
LB 787	Monday, February 24, 2003	1:30 p.m.

(Signed) Ray Janssen, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 165. Placed on General File.

(Signed) Ed Schrock, Chairperson

Urban Affairs

LEGISLATIVE BILL 690. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 282. Placed on Select File as amended.

(E & R amendment, AM7034, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 381. Placed on Select File.

LEGISLATIVE BILL 381A. Placed on Select File.

LEGISLATIVE BILL 222. Placed on Select File as amended.

E & R amendment to LB 222:

AM7031

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 23-1721, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 23-1721. The ~~purpose of sections 23-1721 to 23-1737 is~~
- 6 ~~purposes of sections 23-1721 to 23-1736 are to guarantee to all~~
- 7 citizens a fair and equal opportunity for public service in the
- 8 office of the county sheriff in counties having a population of
- 9 twenty-five thousand inhabitants or more, to establish and review
- 10 conditions of service which will attract officers and employees of
- 11 character and capacity, and to increase the efficiency of the
- 12 county sheriff's office by the establishment of a merit system.

13 Sec. 2. Section 23-1723, Reissue Revised Statutes of
 14 Nebraska, is amended to read:
 15 23-1723. The sheriff's office merit commission in
 16 counties having a population of three hundred thousand inhabitants
 17 or more shall consist of five members. One member shall be a duly
 18 elected county official, appointed by the ~~board of county~~
 19 ~~commissioners county board~~. One member shall be a deputy sheriff,
 20 elected by the deputy sheriffs. Three members shall be selected by
 21 the presiding judge of the judicial district encompassing such
 22 county and shall be public representatives who are residents of the
 23 county. The terms of office of members initially appointed or
 24 elected shall expire on January 1 of the first, second, and third
 1 years following their appointment or election, as designated by the
 2 ~~board of county commissioners county board~~. As the terms of
 3 initial members expire, their successors shall be appointed or
 4 elected for three-year terms in the same manner as the initial
 5 members. The additional public representative provided for in this
 6 section shall serve until January 1, 1984, and thereafter his or
 7 her successors shall be appointed or elected for three-year terms.
 8 ~~The member of the division of corrections serving on the commission~~
 9 ~~on August 26, 1983, shall continue to serve on the commission until~~
 10 ~~the additional public representative member is appointed. Any~~
 11 vacancy shall be filled by appointment or election in the same
 12 manner as appointment or election of initial members. The
 13 commission shall have the power to declare vacant the position of
 14 any member who no longer meets the qualifications for election or
 15 appointment set out in this section.

16 Sec. 3. Section 23-1723.01, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 23-1723.01. In counties having a population of not less
 19 than twenty-five thousand inhabitants ~~nor more and less~~ than three
 20 hundred thousand inhabitants, the sheriff's office merit commission
 21 shall consist of three members. One member shall be a duly elected
 22 county official, appointed by the ~~board of county commissioners~~
 23 ~~county board~~. One member shall be a deputy sheriff, elected by the
 24 deputy sheriffs. The third member shall be selected by the
 25 presiding judge of the judicial district encompassing such county
 26 and shall be a public representative who is a resident of the
 27 county and neither an official nor employee of the county. The
 1 terms of office of members initially appointed or elected before
 2 March 20, 1982, shall expire on January 1 of the years 1978, 1979,
 3 and 1980, as designated by the ~~board of county commissioners county~~
 4 ~~board~~. The terms of office of members initially appointed or
 5 elected after March 20, 1982, shall expire on January 1 of the
 6 years 1983, 1984, and 1985, as designated by the ~~board of county~~
 7 ~~commissioners county board~~. As the terms of initial members
 8 expire, their successors shall be appointed or elected for
 9 three-year terms in the same manner as the initial members. Any
 10 vacancy shall be filled by appointment or election in the same

11 manner as appointment or election of initial members. The
12 commission shall have the power to declare vacant the position of
13 any member who no longer meets the qualifications for election or
14 appointment set out in this section.

15 Sec. 4. Section 23-1725, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 23-1725. The sheriff's office merit commission shall
18 hold meetings regularly, at least once every three months, and
19 shall designate the time and place thereof. It shall adopt its own
20 rules of procedure and shall keep a record of its proceedings. All
21 meetings and records of the commission shall be public, except as
22 otherwise provided in sections 23-1721 to ~~23-1737~~ 23-1736.

23 Sec. 5. Section 23-1726, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 23-1726. For the purpose of sections ~~23-1721 to 23-1737~~
26 ~~the term~~ purposes of sections 23-1721 to 23-1736, classified
27 service ~~shall include~~ includes all deputy sheriffs including the
1 jailer and matrons but ~~shall~~ does not include the civilian
2 employees of the office. The ; ~~and the~~ deputy sheriff designated
3 by the sheriff as chief deputy is specifically excluded from
4 sections 23-1721 to ~~23-1737~~ 23-1736.

5 Sec. 6. Section 23-1727, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 23-1727. The powers and duties of the sheriff's office
8 merit commission shall be as follows:

9 (1) To adopt rules not inconsistent with ~~the provisions~~
10 ~~of~~ sections 23-1721 to ~~23-1737~~, 23-1736 for the examination and
11 selection of persons to fill the offices and positions in the
12 classified service which are required to be filled by appointment,
13 and for the selection of such persons to be employed in the
14 classified service of the office of the sheriff;

15 (2) To supervise the administration of the merit system
16 rules, hold examinations ~~thereunder~~ from time to time; after giving
17 notice thereof, prepare and keep an eligibility list of persons
18 passing such examinations, and certify the names of persons thereon
19 to the sheriff;

20 (3) To investigate, by itself or otherwise, the
21 enforcement of ~~the provisions of~~ sections 23-1721 to ~~23-1737~~,
22 23-1736 and of its own rules and the action of appointees in the
23 classified service. In the course of such investigation, the
24 commission, or its authorized representative, shall have the power
25 to administer oaths, and the commission shall have power, by
26 subpoena, to secure both the attendance and testimony of witnesses
27 and the production of books and papers relevant to such
1 investigation;

2 (4) To provide, through the purchasing department of the
3 county, all needed supplies for the use of the commission;

4 (5) To classify deputy sheriffs and subdivide them into
5 groups according to rank and grade ~~which shall be~~ based upon the

6 duties and responsibilities of such positions. The commission
7 shall recommend to the county board salaries which ~~shall be~~ are
8 uniform for each group of the classified service and ~~shall be~~
9 comparable to those of comparable counties in this section of the
10 United States; and

11 (6) To perform such other duties as may be necessary to
12 carry out ~~the provisions of~~ sections 23-1721 to ~~23-1737~~ 23-1736.

13 Sec. 7. Section 23-1729, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 23-1729. The sheriff of each county under sections
16 23-1721 to ~~23-1737~~ 23-1736 shall be the personnel director of the
17 merit system. The personnel director shall act as secretary of the
18 sheriff's office merit commission; and shall advise the commission
19 in all matters pertaining to the merit system established by
20 sections 23-1721 to ~~23-1737~~ 23-1736.

21 Sec. 8. Section 23-1730, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 23-1730. For ~~the purposes of~~ sections 23-1721 to ~~23-1737~~
24 purposes of sections 23-1721 to 23-1736, all deputy sheriffs
25 actually serving as such shall comprise the classified service.
26 The chief deputy sheriff shall not be within the classified
27 service, but a deputy sheriff serving with permanent rank under
1 sections 23-1721 to ~~23-1737~~ 23-1736 may be designated chief deputy
2 sheriff and retain such rank during the period of his or her
3 service as chief deputy sheriff and shall upon termination of his
4 or her duties as chief deputy sheriff revert to his or her
5 permanent rank.

6 Sec. 9. Section 23-1731, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 23-1731. Whenever a position in the classified service
9 is to be filled, the sheriff shall notify the sheriff's office
10 merit commission of that fact, and the commission shall certify the
11 names and addresses of the three candidates standing highest on the
12 eligibility list for the class or grade for the position to be
13 filled, and the sheriff shall forthwith appoint to such position
14 one of the three persons so certified. Such appointment shall be
15 for a probationary period to be fixed by the rules, but not to
16 exceed one year. On or before the expiration of the probationary
17 period, the sheriff may, by presenting specific reasons for such
18 action in writing, discharge a probationary appointee, or, with the
19 approval of the commission, transfer him or her to another
20 department within the sheriff's office. If not discharged prior to
21 the expiration of the period of probation; and if no complaint has
22 been made about the service rendered, the appointment shall be
23 deemed permanent. To prevent the stoppage of business or to meet
24 extraordinary conditions or emergencies, the sheriff may, with the
25 approval of the commission, make a temporary appointment to remain
26 in force for not to exceed sixty days; and only until regular
27 appointment can be made under ~~the provisions of~~ sections 23-1721 to

1 ~~23-1737~~ 23-1736.

2 Sec. 10. Section 23-1732, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 23-1732. (1) All deputy sheriffs in active employment on
5 January 1, 1970, in counties of three hundred thousand inhabitants
6 or more and on January 1, 1973, in counties having a population of
7 more than one hundred fifty thousand but less than three hundred
8 thousand inhabitants, and who ~~shall~~ have been such for more than
9 two years immediately prior thereto, shall hold their positions
10 without examinations until discharged, reduced, promoted, or
11 transferred in accordance with ~~the provisions of~~ sections 23-1721
12 to ~~23-1737~~ 23-1736.

13 (2) All deputy sheriffs in active employment on January
14 1, 1975, in counties having a population of more than sixty
15 thousand but not more than one hundred fifty thousand inhabitants,
16 and who ~~shall~~ have been deputy sheriffs for more than two years
17 immediately prior thereto, or who ~~shall~~ have been certified by the
18 Nebraska Law Enforcement Training Center and who ~~shall~~ have
19 received a certificate of completion shall hold their positions
20 without examinations until discharged, reduced, promoted, or
21 transferred in accordance with ~~the provisions of~~ sections 23-1721
22 to ~~23-1737~~ 23-1736.

23 (3) All deputy sheriffs in active employment on January
24 1, 1977, in counties having a population of more than forty
25 thousand but not more than sixty thousand inhabitants, and who
26 ~~shall~~ have been deputy sheriffs for more than two years immediately
27 prior thereto, or who ~~shall~~ have been certified by the Nebraska Law
1 Enforcement Training Center and who ~~shall~~ have received a
2 certificate of completion shall hold their positions without
3 examinations until discharged, reduced, promoted, or transferred in
4 accordance with ~~the provisions of~~ sections 23-1721 to ~~23-1737~~
5 23-1736.

6 (4) All deputy sheriffs in active employment on January
7 1, 1982, in counties having a population of twenty-five thousand or
8 more but not more than forty thousand inhabitants, and who ~~shall~~
9 have been deputy sheriffs for more than two years immediately prior
10 thereto, or who ~~shall~~ have been certified by the Nebraska Law
11 Enforcement Training Center, and who ~~shall~~ have received a
12 certificate of completion shall hold their positions without
13 examinations until discharged, reduced, promoted, or transferred in
14 accordance with ~~the provisions of~~ sections 23-1721 to ~~23-1737~~
15 23-1736.

16 (5) All deputy sheriffs who ~~shall~~ have been so employed
17 for more than six months and less than two years on such date,
18 shall be required to take qualifying examinations, and all such
19 deputy sheriffs who ~~shall~~ have been so employed for less than six
20 months on such date, shall be required to take competitive
21 examinations.

22 Sec. 11. Section 23-1734, Reissue Revised Statutes of

23 Nebraska, is amended to read:

24 23-1734. (1) Any deputy sheriff may be removed,
 25 suspended, or reduced in either rank or grade or both rank and
 26 grade by the sheriff, after appointment or promotion is complete,
 27 by an order in writing, stating specifically the reasons therefor.

1 Such order shall be filed with the sheriff's office merit
 2 commission and a copy thereof shall be furnished to the person so
 3 removed, suspended, or reduced. Any person so removed, suspended,
 4 or reduced in either rank or grade or both rank and grade may,
 5 within ten days after presentation to him or her of the order of
 6 removal, suspension, or reduction, appeal to the commission from
 7 such order. The commission shall, within two weeks from the filing
 8 of such appeal, hold a hearing thereon, and thereupon fully hear
 9 and determine the matter, and either affirm, modify, or revoke such
 10 order. The appellant shall be entitled to appear personally,
 11 produce evidence, and to have counsel and a public hearing. The
 12 finding and decision of the commission shall be certified to the
 13 sheriff, and shall forthwith be enforced and followed, by him, but
 14 under no condition shall the employee who has appealed to the
 15 commission be permanently removed, suspended, or reduced in rank
 16 until such finding and decision of the commission shall be is so
 17 certified to the sheriff.

18 (2) Any deputy sheriff may grieve a violation of an
 19 employment contract, a personnel rule, a state or local law, or a
 20 written departmental policy or procedure to the commission. The
 21 commission shall hear the grievance at the next regularly scheduled
 22 meeting, or the commission may, at its discretion, set a special
 23 meeting to hear the grievance. If the deputy sheriff is subject to
 24 a labor agreement, all applicable procedures in the agreement shall
 25 be followed prior to the matter being heard by the commission. In
 26 all other cases, the matter shall be grieved, in writing, to the
 27 commission within fifteen calendar days after the date the deputy
 1 became aware of the occurrence giving rise to the grievance. After
 2 hearing or reviewing the grievance, the commission shall issue a
 3 written order either affirming or denying the grievance. Such
 4 order shall be delivered to the parties to the grievance or their
 5 counsel within seven calendar days after the date of the hearing or
 6 the submission of the written grievance.

7 Sec. 12. Section 23-1736, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 23-1736. No person serving in the classified service
 10 under sections 23-1721 to ~~23-1737~~ 23-1736 shall actively
 11 participate in any campaign conducted by any candidate for public
 12 office while on duty or while in uniform.

13 Sec. 13. Original sections 23-1721, 23-1723, 23-1723.01,
 14 23-1725 to 23-1727, 23-1729 to 23-1732, 23-1734, and 23-1736,
 15 Reissue Revised Statutes of Nebraska, are repealed.

16 Sec. 14. The following section is outright repealed:

17 Section 23-1737, Reissue Revised Statutes of Nebraska.".

18 2. On page 1, line 3, strike "and 23-1734" and insert
19 "23-1734, and 23-1736"; in line 6 strike "eliminate" and insert
20 "change provisions relating to"; in line 7 strike "and" and insert
21 "; to eliminate"; and in lines 9 and 10 strike "sections 23-1736
22 and" and insert "section".

LEGISLATIVE BILL 205. Placed on Select File as amended.

E & R amendment to LB 205:

AM7029

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 53-123.02, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 53-123.02. An alcoholic liquor wholesale license, except
6 beer, shall (1) allow the wholesale purchase, importation, and
7 storage of alcoholic liquor and sale of alcoholic liquor, except
8 beer, to licensees in this state and to persons outside the state
9 as may be permitted by law and (2) allow the sampling of tax-paid
10 alcoholic liquor, except beer, upon the premises of the licensed
11 wholesaler by a licensed retailer or allow ~~the sampling of tax-paid~~
12 ~~wine upon the premises of a licensed retailer as provided in~~
13 ~~subsection (2) of section 53-123.04 on the premises of any licensed~~
14 retailer, whether the license permits consumption on or off the
15 licensed premises, or both, or bottle club in the manner prescribed
16 by the commission. The sampling authorized under this section
17 shall be limited to persons licensed as wholesalers, ~~and~~ retailers,
18 bottle clubs, and their employees, ~~and agents~~.
19 Sec. 2. Section 53-123.03, Reissue Revised Statutes of
20 Nebraska, is amended to read:
21 53-123.03. A beer wholesale license shall (1) allow the
22 wholesale purchase, importation, and storage of beer and sale,
23 including delivery, of the brand or brands described in such
24 license to licensees in this state in the sales territory
1 prescribed in the license for each brand and to such persons
2 outside the state as may be permitted by law, ~~and~~ (2) allow the
3 licensed wholesaler to do all things incident to the carrying on of
4 the wholesale beer business, including the sampling of tax-paid
5 beer upon the premises of the licensed wholesaler by a licensed
6 retailer in the manner prescribed by the commission, and (3) allow
7 the sampling of tax-paid beer upon the premises of any retailer,
8 whether the license permits consumption on or off the licensed
9 premises, or both, or bottle club in a manner prescribed by the
10 commission.
11 The sampling authorized under subdivision (3) of this
12 section shall be limited to persons licensed as wholesalers,
13 retailers, or bottle clubs and their employees.
14 The license shall designate the territory within which
15 the licensed wholesaler may sell the designated product of any
16 brewer as agreed upon by the licensee and the brewer.

17 Sec. 3. Section 53-1,104, Revised Statutes Supplement,
18 2002, is amended to read:

19 53-1,104. (1) Any licensee which sells or permits the
20 sale of any alcoholic liquor not authorized under the terms of such
21 license on the licensed premises or in connection with such
22 licensee's business or otherwise shall be subject to suspension,
23 cancellation, or revocation of such license by the commission.

24 (2) When an order suspending a ~~retail~~ license to sell
25 alcoholic liquor becomes final, the licensee may elect to pay a
26 cash penalty to the commission in lieu of suspending sales of
27 alcoholic liquor for the designated period if such election is not
1 prohibited by order of the commission. Except as otherwise
2 provided in subsection (3) of this section, for the first such
3 suspension for any licensee, the penalty shall be fifty dollars per
4 day, and for a second or any subsequent suspension, the penalty
5 shall be one hundred dollars per day.

6 (3)(a) For a second suspension for violation of section
7 53-180 or 53-180.02 occurring within four years after the date of
8 the first suspension, the commission, in its discretion, may order
9 that the licensee be required to suspend sales of alcoholic liquor
10 for a period of time not to exceed forty-eight hours and that the
11 licensee may not elect to pay a cash penalty. The commission may
12 use the required suspension of sales of alcoholic liquor penalty
13 either alone or in conjunction with suspension periods for which
14 the licensee may elect to pay a cash penalty. For purposes of this
15 subsection, second suspension for violation of section 53-180 shall
16 include suspension for a violation of section 53-180.02 following
17 suspension for a violation of section 53-180 and second suspension
18 for violation of section 53-180.02 shall include suspension for a
19 violation of section 53-180 following suspension for a violation of
20 section 53-180.02;

21 (b) For a third or subsequent suspension for violation of
22 section 53-180 or 53-180.02 occurring within four years after the
23 date of the first suspension, the commission, in its discretion,
24 may order that the licensee be required to suspend sales of
25 alcoholic liquor for a period of time not to exceed fifteen days
26 and that the licensee may not elect to pay a cash penalty. The
27 commission may use the required suspension of sales of alcoholic
1 liquor penalty either alone or in conjunction with suspension
2 periods for which the licensee may elect to pay a cash penalty.
3 For purposes of this subsection, third or subsequent suspension for
4 violation of section 53-180 shall include suspension for a
5 violation of section 53-180.02 following suspension for a violation
6 of section 53-180 and third or subsequent suspension for violation
7 of section 53-180.02 shall include suspension for a violation of
8 section 53-180 following suspension for a violation of section
9 53-180.02; and

10 (c) For a first suspension based upon a finding that a
11 licensee or an employee or agent of the licensee has been convicted

12 of possession of a gambling device on a licensee's premises in
13 violation of sections 28-1107 to 28-1111, the commission, in its
14 discretion, may order that the licensee be required to suspend
15 sales of alcoholic liquor for thirty days and that the licensee may
16 not elect to pay a cash penalty. For a second or subsequent
17 suspension for such a violation of sections 28-1107 to 28-1111
18 occurring within four years after the date of the first suspension,
19 the commission shall order that the license be canceled.

20 (4) For any licensee which has no violation for a period
21 of four years consecutively, any suspension shall be treated as a
22 new first suspension.

23 (5) The election provided for in subsection (2) of this
24 section shall be filed with the commission in writing one week
25 before the suspension is ordered to commence and shall be
26 accompanied by payment in full of the sum required by this section.
27 If such election has not been received by the commission by the
1 close of business one week before the day such suspension is
2 ordered to commence, it shall be conclusively presumed that the
3 licensee has elected to close for the period of the suspension and
4 any election received later shall be absolutely void and the
5 payment made shall be returned to the licensee. The election shall
6 be made on a form prescribed by the commission. All funds received
7 under this section shall be remitted to the State Treasurer for
8 credit to the temporary school fund.

9 Sec. 4. Original sections 53-123.02 and 53-123.03,
10 Reissue Revised Statutes of Nebraska, and section 53-1,104, Revised
11 Statutes Supplement, 2002, are repealed."

12 2. On page 1, strike lines 3 through 6 and insert
13 "section 53-1,104, Revised Statutes Supplement, 2002; to change
14 provisions relating to sampling; to change penalty provisions;"

LEGISLATIVE BILL 66. Placed on Select File.

LEGISLATIVE BILL 66A. Placed on Select File.

LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 119. Placed on Select File as amended.

E & R amendment to LB 119:

AM7032

1 1. On page 1, line 3, strike "to consent".

LEGISLATIVE BILL 138. Placed on Select File as amended.

E & R amendment to LB 138:

AM7030

1 1. On page 1, line 3, strike "revocation of" and insert

2 "eligibility and consent to make".

LEGISLATIVE BILL 194. Placed on Select File as amended.

E & R amendment to LB 194:

AM7033

- 1 1. On page 4, line 7, strike "(2)(c)(i)", show as
- 2 stricken, and insert "(2)(e)(i)".

LEGISLATIVE BILL 195. Placed on Select File.

LEGISLATIVE BILL 199. Placed on Select File.

LEGISLATIVE BILL 128. Placed on Select File.

(Signed) Ray Mossey, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 114. No objections. So ordered.

VISITORS

Visitors to the Chamber were Cheryl Ahrens from Arapahoe; Ryan and Shelly Main from Lincoln; 8 participants in the Aurora Leadership Tomorrow Program; Outstanding Youth Volunteers with the Library Commission from across the state; Margaret Harding, Holly Baber, Judy Bspalec, Michelle VanDyke, and Janis Mitchell from Crete, and Shelley Smith from Friend; participants in the Leadership Tomorrow Program from Grand Island and Hastings; and Steve Fosselman, Sister Frances Ann Havel, and Luris de Calero from Grand Island.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Friday, February 14, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 14, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 14, 2003

PRAYER

The prayer was offered by Pastor Roger Sloan, Church of Christ, Cozad, 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 Aguilar, Byars, Schrock, and Stuhr who were excused; and Senators Brown, Hudkins, Maxwell, Preister, and Vrtiska who were excused until they arrive.

SPEAKER BROMM PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

ANNOUNCEMENT

Senator Mossey designates LB 111 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 12, 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 State Colleges Board of Trustees.

APPOINTEES:

William Roskens, 6600 Northern Hills Dr, Omaha, NE 68152

*Willa Kosman, 190498 Country Rd G, Scottsbluff, NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

REFERENCE COMMITTEE REPORTS

The Legislative Council Executive Board submits the following reports:

LB/LR	Committee
LR 32	Business and Labor

Parker, Gary - Game and Parks Commission - Natural Resources

Pinkerton, Mark - Game and Parks Commission - Natural Resources

Stuart, James - Game and Parks Commission - Natural Resources

Zutavern, William - Game and Parks Commission - Natural Resources

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 13, 2003, 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

Campbell, Mary M./Campbell & Associates
Friends of Nebraska Nonprofit Hospitals

Grove, Marvin M.
ABATE of Nebraska, Inc.

LaJeunesse Jr., Raymond J.
National Right to Work Committee

Mix, Mark A.
National Right to Work Committee

O'Hara, Lindsay & Associates, Inc.
Manheim Auctions d/b/a Omaha Auto Auctions

Othmer, Mark F.
Iowa/Nebraska Equipment Dealers Association

Plucker, Julia
Coast Casinos, Inc.

Veak, Rebecca
Health Care Association, Nebraska

REPORTS

The following reports were received by the Legislature:

Energy Office

Annual Report for FY 2001-2002

Document entitled Nebraska Energy Statistics of the collection, compilation, and analysis of energy statistics

Investment Finance Authority

2002 Series A, B, C, D, E and F Community Development Loan Notes
(City of Lincoln Program-2002)

Single Family Housing Revenue Bonds Series 2000 EFG and General
Obligation Bonds Series 2000 G.O.-11

Single Family Housing Revenue Bonds Series 2000 ABC and General
Obligation Bonds Series 2000 G.O.-14

Single Family Housing Revenue Bonds Series 2000 DEF

Drinking Water State Revolving Fund Revenue Bonds Series 2001 A

Labor, Department of

Nebraska Workforce Investment Board 2001 Annual Report

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for
November, 2002

State Highway Commission for the period ending December 31, 2002
Quarterly Report

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 14. With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 32-204 and 32-320, Reissue Revised Statutes of Nebraska; to rename a fund; to change provisions relating to the fund; 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, 39:

Beutler	Cudaback	Jensen	Mines	Schimek
Bourne	Cunningham	Johnson	Mossey	Smith
Brashear	Engel	Jones	Pedersen, Dw.	Stuthman
Bromm	Erdman	Kremer	Pederson, D.	Synowiecki
Burling	Foley	Kruse	Price	Thompson
Chambers	Friend	Landis	Quandahl	Tyson
Combs	Hartnett	Louden	Raikes	Wehrbein
Connealy	Janssen	McDonald	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 9:

Aguilar	Byars	Maxwell	Schrock	Vrtiska
Brown	Hudkins	Preister	Stuhr	

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 15.

A BILL FOR AN ACT relating to elections; to amend section 32-811, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots for primary elections for community college boards of governors; 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:

Baker	Connealy	Hudkins	Louden	Redfield
Beutler	Cudaback	Janssen	McDonald	Schimek
Bourne	Cunningham	Jensen	Mines	Smith
Brashear	Engel	Johnson	Pedersen, Dw.	Stuthman
Bromm	Erdman	Jones	Pederson, D.	Synowiecki
Burling	Foley	Kremer	Price	Thompson
Chambers	Friend	Kruse	Quandahl	Tyson
Combs	Hartnett	Landis	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Mossey

Excused and not voting, 8:

Aguilar	Byars	Preister	Stuhr
Brown	Maxwell	Schrock	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to water wells; to amend section 46-656.29, Revised Statutes Supplement, 2002; to change provisions relating to an application fee; 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, 39:

Baker	Connealy	Hudkins	McDonald	Redfield
Beutler	Cudaback	Janssen	Mines	Schimek
Bourne	Cunningham	Jensen	Mossey	Smith
Brashear	Engel	Johnson	Pedersen, Dw.	Stuthman
Bromm	Erdman	Jones	Pederson, D.	Synowiecki
Burling	Foley	Kruse	Price	Tyson
Chambers	Friend	Landis	Quandahl	Wehrbein
Combs	Hartnett	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Kremer Thompson

Excused and not voting, 8:

Aguilar	Byars	Preister	Stuhr
Brown	Maxwell	Schrock	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to water wells; to amend section 46-656.30, Revised Statutes Supplement, 2002; to change provisions relating to denial of a permit 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, 41:

Baker	Cudaback	Jensen	Mossey	Stuthman
Beutler	Cunningham	Johnson	Pedersen, Dw.	Synowiecki
Bourne	Engel	Jones	Pederson, D.	Thompson
Brashear	Erdman	Kremer	Price	Tyson
Bromm	Foley	Kruse	Quandahl	Wehrbein
Burling	Friend	Landis	Raikes	
Chambers	Hartnett	Louden	Redfield	
Combs	Hudkins	McDonald	Schimek	
Connealy	Janssen	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 8:

Aguilar	Byars	Preister	Stuhr
Brown	Maxwell	Schrock	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 40.

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.

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	Cudaback	Janssen	McDonald	Redfield
Bourne	Cunningham	Jensen	Mines	Schimek
Brashear	Engel	Johnson	Mossey	Smith
Bromm	Erdman	Jones	Pedersen, Dw.	Stuthman
Burling	Foley	Kremer	Pederson, D.	Synowiecki
Chambers	Friend	Kruse	Price	Thompson
Combs	Hartnett	Landis	Quandahl	Tyson
Connealy	Hudkins	Louden	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 8:

Aguilar	Byars	Preister	Stuhr
Brown	Maxwell	Schrock	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 69.

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 provide 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, 40:

Baker	Connealy	Hudkins	Louden	Raikes
Beutler	Cudaback	Janssen	McDonald	Redfield
Bourne	Cunningham	Jensen	Mines	Schimek
Brashear	Engel	Johnson	Mossey	Smith
Bromm	Erdman	Jones	Pedersen, Dw.	Stuthman
Burling	Foley	Kremer	Pederson, D.	Thompson
Chambers	Friend	Kruse	Price	Tyson
Combs	Hartnett	Landis	Quandahl	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 8:

Aguilar	Byars	Preister	Stuhr
Brown	Maxwell	Schrock	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 69A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 69, Ninety-eighth Legislature, First Session, 2003.

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	Janssen	McDonald	Redfield
Beutler	Cunningham	Jensen	Mines	Schimek
Bourne	Engel	Johnson	Mossey	Smith
Brashear	Erdman	Jones	Pedersen, Dw.	Stuthman
Bromm	Foley	Kruse	Pederson, D.	Synowiecki
Burling	Friend	Landis	Price	Thompson
Chambers	Hartnett	Louden	Quandahl	Tyson
Combs	Hudkins	Maxwell	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Kremer

Excused and not voting, 7:

Aguilar	Byars	Schrock	Vrtiska
Brown	Preister	Stuhr	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 83. With Emergency.

A BILL FOR AN ACT relating to veterans; to amend section 80-407, Revised Statutes Supplement, 2002; to eliminate a reporting requirement; 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:

Baker	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Mossey	Stuthman
Bourne	Engel	Jones	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Kremer	Pederson, D.	Tyson
Bromm	Foley	Kruse	Price	Wehrbein
Burling	Friend	Landis	Quandahl	
Chambers	Hartnett	Louden	Raikes	
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Thompson

Excused and not voting, 7:

Aguilar	Byars	Schrock	Vrtiska
Brown	Preister	Stuhr	

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 92. With Emergency.

A BILL FOR AN ACT relating to the Rural Development Commission; to eliminate the commission, a fund, and a program; to provide an operative date; to outright repeal sections 81-3601 to 81-3609, 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, 41:

Baker	Cunningham	Johnson	Mossey	Stuthman
Beutler	Engel	Jones	Pedersen, Dw.	Synowiecki
Bourne	Erdman	Kremer	Pederson, D.	Thompson
Brashear	Foley	Kruse	Price	Tyson
Bromm	Friend	Landis	Quandahl	Wehrbein
Burling	Hartnett	Louden	Raikes	
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	
Cudaback	Jensen	Mines	Smith	

Voting in the negative, 1:

Chambers

Excused and not voting, 7:

Aguilar	Byars	Schrock	Vrtiska
Brown	Preister	Stuhr	

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 93.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.07, Revised Statutes Supplement, 2002; to redefine a term; 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:

Baker	Cunningham	Johnson	Mossey	Stuthman
Bourne	Engel	Jones	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Kremer	Pederson, D.	Thompson
Bromm	Foley	Kruse	Price	Tyson
Burling	Friend	Landis	Quandahl	Wehrbein
Chambers	Hartnett	Louden	Raikes	
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	
Cudaback	Jensen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 7:

Aguilar	Byars	Schrock	Vrtiska
Brown	Preister	Stuhr	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 122.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-438, Revised Statutes Supplement, 2002; to change provisions relating to entry permit fees; 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:

Baker	Cunningham	Jensen	Mossey	Smith
Beutler	Engel	Johnson	Pedersen, Dw.	Stuthman
Brashear	Erdman	Jones	Pederson, D.	Synowiecki
Bromm	Foley	Kremer	Price	Thompson
Burling	Friend	Kruse	Quandahl	Tyson
Combs	Hartnett	Landis	Raikes	Wehrbein
Connealy	Hudkins	Louden	Redfield	
Cudaback	Janssen	Mines	Schimek	

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Bourne	Maxwell	McDonald

Excused and not voting, 7:

Aguilar	Byars	Schrock	Vrtiska
Brown	Preister	Stuhr	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 167.

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; to harmonize provisions; 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, 38:

Baker	Cunningham	Jensen	Mines	Smith
Beutler	Engel	Johnson	Mossey	Synowiecki
Brashear	Erdman	Jones	Pedersen, Dw.	Thompson
Bromm	Foley	Kremer	Pederson, D.	Tyson
Burling	Friend	Kruse	Price	Vrtiska
Combs	Hartnett	Landis	Quandahl	Wehrbein
Connealy	Hudkins	Maxwell	Raikes	
Cudaback	Janssen	McDonald	Schimek	

Voting in the negative, 4:

Chambers	Louden	Redfield	Stuthman

Present and not voting, 1:

Bourne

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 191.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 2002; to change provisions relating to levy; 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:

Baker	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Mossey	Stuthman
Bourne	Engel	Jones	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Kremer	Pederson, D.	Thompson
Bromm	Foley	Kruse	Price	Vrtiska
Burling	Friend	Landis	Quandahl	Wehrbein
Chambers	Hartnett	Louden	Raikes	
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 192.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 2002; to change a date relating to forms and applications; 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:

Baker	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Mossey	Stuthman
Bourne	Engel	Jones	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Kremer	Pederson, D.	Thompson
Bromm	Foley	Kruse	Price	Tyson
Burling	Friend	Landis	Quandahl	Vrtiska
Chambers	Hartnett	Louden	Raikes	Wehrbein
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

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 242 with 38 ayes, 2 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 242.

A BILL FOR AN ACT relating to health and human services; to amend sections 46-1236, 71-145, 71-163, 71-172.02, 71-1,132.48, 71-1,132.53, 71-1,232, 71-1,242, 71-1,291, 71-1,320, 71-1,322, 71-1,327, 71-1,331, 71-388, 71-394.01, 71-3,125, 71-3,132, 71-3,173, 71-1304, 71-1327, 71-1327.01, 71-1331, 71-3702, 71-3704, 71-3705, 71-3712, 71-4714.01, 71-6101, 71-6107, 71-6110, 71-6114, and 71-7421, Reissue Revised Statutes of Nebraska, and sections 11-201, 28-406, 28-410, 33-151, 46-602, 46-606, 46-1222, 46-1224, 46-1229, 46-1231, 69-305, 71-101, 71-110, 71-121.01, 71-122, 71-131, 71-149, 71-157, 71-158, 71-162, 71-172.01, 71-175, 71-185, 71-185.02, 71-185.03, 71-193.18, 71-193.31, 71-1,104, 71-1,107.10, 71-1,107.13, 71-1,107.14, 71-1,107.26, 71-1,132.13, 71-1,132.20, 71-1,132.21, 71-1,132.37, 71-1,135.02, 71-1,143.01, 71-1,147.30, 71-1,147.42, 71-1,147.64, 71-1,158, 71-1,161, 71-1,165, 71-1,166, 71-1,194, 71-1,195.01, 71-1,227, 71-1,228, 71-1,235, 71-1,238, 71-1,239.01, 71-1,240, 71-1,278, 71-1,281.01, 71-1,294, 71-1,314.01, 71-1,319.01, 71-1,329, 71-1,344, 71-1,345, 71-397, 71-3,115, 71-3,147, 71-3,155, 71-3,184, 71-3,196, 71-3,205, 71-3,214, 71-3,221, 71-3,228, 71-1722, 71-1723, 71-1724, 71-1725.01, 71-1730, 71-1735, 71-1755, 71-1757, 71-1777, 71-1778, 71-1787, 71-2803.01, 71-2819, 71-3508.03, 71-3515.02, 71-3703, 71-3708, 71-3710, 71-4305, 71-4706, 71-4708, 71-4711, 71-5172, 71-5306, 71-5308, 71-6053, 71-6054, 71-6055, 71-6060, 71-6061, 71-6063, 71-6106, 71-6113, 71-6303, 71-6321, 71-6328.01, 71-6734, 71-7417, 71-7418, and 71-7420, Revised Statutes Supplement, 2002; to provide, change, and eliminate fee provisions for certain professions and occupations; to change credentialing provisions; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-109, 71-1,132.22, 71-1,132.47, 71-1,132.49, 71-1,132.50, 71-383, 71-384, 71-1336, 71-1760, 71-1786, 71-4718, and 71-6116, Reissue Revised Statutes of Nebraska, and sections 71-1,136.02, 71-1,150, 71-1,206.13,

71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-1,350, 71-381, 71-382, and 71-1727, Revised Statutes Supplement, 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, 43:

Baker	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Mossey	Stuthman
Bourne	Engel	Jones	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Kremer	Pederson, D.	Thompson
Bromm	Foley	Kruse	Price	Tyson
Burling	Friend	Landis	Quandahl	Vrtiska
Chambers	Hartnett	Louden	Raikes	Wehrbein
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

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 245 with 39 ayes, 2 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 245.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-3313, 43-3329, 54-311, 54-315, and 71-1,233, Reissue Revised Statutes of Nebraska, and sections 28-405, 29-4125, 43-1723, 46-602, 46-1204.01, 46-1235, 71-155.01, 71-176.01, 71-1,143.01, 71-1,166, and 81-1316, Revised Statutes Supplement, 2002; to change provisions relating to controlled substance schedules, child, medical, and spousal support, the DNA Testing Act, water well decommissioning and licensure, podiatry examinations, veterinary technician license fees, temporary licenses to practice respiratory care, and pharmacy experience; to redefine terms; to provide an exemption from coverage by the State Personnel System for certain health and human services system employees; to change and

eliminate provisions relating to wells and pitfalls and temporary permits to practice respiratory care; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 54-312 to 54-314 and 71-1,232, 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	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Mossey	Stuthman
Bourne	Engel	Jones	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Kremer	Pederson, D.	Thompson
Bromm	Foley	Kruse	Price	Tyson
Burling	Friend	Landis	Quandahl	Vrtiska
Chambers	Hartnett	Louden	Raikes	Wehrbein
Combs	Hudkins	Maxwell	Redfield	
Connealy	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

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 281. With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 2002; to change provisions relating to references to the 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, 41:

Baker	Cudaback	Johnson	Mossey	Stuthman
Beutler	Cunningham	Jones	Pedersen, Dw.	Synowiecki
Bourne	Erdman	Kremer	Pederson, D.	Thompson
Brashear	Foley	Kruse	Price	Vrtiska
Bromm	Friend	Landis	Quandahl	Wehrbein
Burling	Hartnett	Louden	Raikes	
Chambers	Hudkins	Maxwell	Redfield	
Combs	Janssen	McDonald	Schimek	
Connealy	Jensen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Engel Tyson

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

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 295.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1361, and 77-1371, Revised Statutes Supplement, 2002; to change provisions relating to property taxation; 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:

Baker	Cudaback	Johnson	Mossey	Synowiecki
Beutler	Cunningham	Jones	Pedersen, Dw.	Thompson
Bourne	Erdman	Kremer	Price	Tyson
Brashear	Foley	Kruse	Quandahl	Vrtiska
Bromm	Friend	Landis	Raikes	Wehrbein
Burling	Hartnett	Louden	Redfield	
Chambers	Hudkins	Maxwell	Schimek	
Combs	Janssen	McDonald	Smith	
Connealy	Jensen	Mines	Stuthman	

Voting in the negative, 0.

Present and not voting, 2:

Engel Pederson, D.

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

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 306 with 34 ayes, 3 nays, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 306.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-449, 37-450, 37-484, 37-497, 37-4,104, 37-4,108, 37-562, and 37-1217, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-415, 37-426, 37-447, 37-457, 37-458, 37-462, 37-463, 37-465, 37-483, 37-4,105, 37-4,106, 37-1212, and 37-1214, Revised Statutes Supplement, 2002; to change fee authorization; 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, 35:

Baker	Cudaback	Janssen	Maxwell	Raikes
Beutler	Cunningham	Jensen	Mines	Redfield
Brashear	Engel	Johnson	Mossey	Schimek
Bromm	Foley	Kremer	Pedersen, Dw.	Synowiecki
Burling	Friend	Kruse	Pederson, D.	Thompson
Combs	Hartnett	Landis	Price	Vrtiska
Connealy	Hudkins	Louden	Quandahl	Wehrbein

Voting in the negative, 8:

Bourne	Erdman	McDonald	Stuthman
Chambers	Jones	Smith	Tyson

Excused and not voting, 6:

Aguilar	Byars	Schrock
Brown	Preister	Stuhr

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 14, 15, 34, 35, 40, 69, 69A, 83, 92, 93, 122, 167, 191, 192, 242, 245, 281, 295, and 306.

GENERAL FILE

LEGISLATIVE BILL 331. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Kremer asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 99. Title read. Considered.

The Standing Committee amendment, AM0140, found on page 388, was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment:

FA1160

Page 2, in line 3 after "county" insert "which has adopted a resolution that prohibits discrimination in county employment based on sexual orientation"

Senator Cunningham asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senators Brashear, Dw. Pedersen, and Price asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Hartnett moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

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

Voting in the affirmative, 22:

Beutler	Connealy	Janssen	Maxwell	Thompson
Bourne	Cudaback	Johnson	Mossey	Tyson
Bromm	Foley	Kruse	Quandahl	
Brown	Hartnett	Landis	Schimek	
Burling	Hudkins	Louden	Stuthman	

Voting in the negative, 12:

Engel	Jensen	Pederson, D.	Smith
Erdman	Mines	Raikes	Synowiecki
Friend	Pedersen, Dw.	Redfield	Wehrbein

Present and not voting, 6:

Baker	Combs	McDonald
Chambers	Jones	Vrtiska

Excused and not voting, 9:

Aguilar	Byars	Kremer	Price	Stuhr
Brashear	Cunningham	Preister	Schrock	

Failed to advance to E & R for review with 22 ayes, 12 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 130. Placed on Select File as amended.

E & R amendment to LB 130:

AM7038

- 1 1. On page 31, line 27, strike "2514(e), or 2503(b)" and
- 2 insert "2503(b), or 2514(e)".

LEGISLATIVE BILL 218. Placed on Select File as amended.

E & R amendment to LB 218:

AM7251

- 1 1. On page 10, line 21, strike the comma.
- 2 2. On page 34, line 9, strike "misrepresentation" and
- 3 insert "representation".

LEGISLATIVE BILL 355. Placed on Select File.

LEGISLATIVE BILL 102. Placed on Select File.

LEGISLATIVE BILL 185. Placed on Select File.

LEGISLATIVE BILL 186. Placed on Select File as amended.
E & R amendment to LB 186:

AM7035

- 1 1. On page 1, line 4, strike "interstate".
- 2 2. On page 4, line 2, strike the comma; and in line 5
- 3 after "fences" insert an underscored comma.

LEGISLATIVE BILL 187. Placed on Select File as amended.
E & R amendment to LB 187:

AM7037

- 1 1. On page 1, line 2; and page 13, line 19, strike
- 2 "39-1311, and 39-1311.01" and insert "and 39-1311".
- 3 2. On page 2, line 9; page 4, line 11; page 5, line 25;
- 4 page 7, line 19; and page 8, line 28, strike "39-1311.03" and
- 5 insert "39-1311.05".
- 6 3. On page 4, line 22; and page 5, line 9, reinstate the
- 7 stricken matter.
- 8 4. On page 5, lines 9 and 10, strike the new matter.
- 9 5. On page 12, line 15, strike "office" and insert
- 10 "officer".
- 11 6. On page 13, line 9, after "his" insert "or her".

LEGISLATIVE BILL 101. Placed on Select File.

LEGISLATIVE BILL 371. Placed on Select File as amended.
E & R amendment to LB 371:

AM7036

- 1 1. On page 1, line 1, strike "60-1423" and insert
- 2 "60-1438"; and strike line 3 and insert "warranty obligations for
- 3 certain motor vehicle parts manufacturers as".

LEGISLATIVE BILL 53. Placed on Select File.

LEGISLATIVE BILL 181. Placed on Select File as amended.
E & R amendment to LB 181:

AM7039

- 1 1. On page 1, line 2, after "32-571" insert ", 32-618,";
- 2 and in line 5 after the first semicolon insert "to change
- 3 provisions relating to petition signature requirements;".
- 4 2. On page 2, lines 11, 17, and 22, strike "regular" and
- 5 insert "statewide"; and in lines 13, 19, 24, and 26, strike all
- 6 occurrences of "regular".

LEGISLATIVE BILL 45. Placed on Select File as amended.
E & R amendment to LB 45:

AM7050

- 1 1. On page 1, strike lines 2 through 7 and insert
- 2 "section 71-5713, Reissue Revised Statutes of Nebraska; to change

3 an enforcement provision; and to repeal the original section."

LEGISLATIVE BILL 259. Placed on Select File as amended.

E & R amendment to LB 259:

AM7040

- 1 1. On page 1, line 2, strike "74-1414," and strike the
- 2 second comma; strike beginning with "to" in line 3 through the
- 3 semicolon in line 4; and in line 5 strike "council" and insert
- 4 "Nebraska Railway Council".

LEGISLATIVE RESOLUTION 2CA. Placed on Select File.

LEGISLATIVE BILL 319. Placed on Select File as amended.

E & R amendment to LB 319:

AM7052

- 1 1. On page 1, lines 1 and 2, strike "and 77-1833" and
- 2 insert "to 77-1834".

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 124. Indefinitely postponed.

LEGISLATIVE BILL 708. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

Judiciary

LEGISLATIVE BILL 111. Placed on General File.

LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 59. Placed on General File as amended.

Standing Committee amendment to LB 59:

AM0374

- 1 1. Strike original sections 33 to 36.
- 2 2. On page 6, line 15, strike "base" and strike "fifty"
- 3 and insert "three hundred"; and strike beginning with "and" in line
- 4 15 through "regulations" in line 17.
- 5 3. On page 10, strike beginning with "Committing" in
- 6 line 1 through "(6)" in line 3; in line 5 strike "(7)" and insert
- 7 "(6)"; and in line 7 strike "(8)" and insert "(7)".
- 8 4. On page 20, strike beginning with "The" in line 27
- 9 through "remains" in line 28 and insert "For purposes of the
- 10 Cremation of Human Remains Act, the delivery of the cremated
- 11 remains to the authorizing agent or his or her representative shall
- 12 constitute final disposition".

13 5. On page 34, strike beginning with "The" in line 23
 14 through line 28 and insert "Any person authorized to direct the
 15 disposition of the decedent's body pursuant to a notarized
 16 affidavit authorizing such disposition and signed and sworn to by
 17 the decedent. Such an affidavit shall be sufficient legal
 18 authority for authorizing disposition without additional
 19 authorization from the decedent, the decedent's family, or the
 20 decedent's estate. Such person shall not be considered an attorney
 21 in fact pursuant to sections 30-3401 to 30-3432;".

22 6. On page 37, strike beginning with the first comma in
 23 line 23 through "30-3420," in line 24.

24 7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 255. Placed on General File as amended.

Standing Committee amendment to LB 255:

AM0141

1 1. On page 9, after line 22 insert:

2 "(c) The Uniform Mediation Act is intended to address
 3 issues of privilege and does not diminish any other mediation
 4 requirements of the statutes of Nebraska."

LEGISLATIVE BILL 272. Placed on General File as amended.

Standing Committee amendment to LB 272:

AM0331

1 1. Strike the original sections and insert the following
 2 new sections:

3 "Section 1. (1) For purposes of this section:

4 (a) Reasonably suspects means a basis for reporting
 5 knowledge or a set of facts that would lead a person of ordinary
 6 care and prudence to believe and conscientiously entertain a strong
 7 suspicion that criminal activity is at hand or that a crime has
 8 been committed; and

9 (b) Employee means any employee of an agency relating to
 10 a governmental child or adult protective services, animal control,
 11 or animal abuse.

12 (2) Any employee, while acting in his or her professional
 13 capacity or within the scope of his or her employment, who observes
 14 or is involved in an incident which leads the employee to
 15 reasonably suspect that an animal has been abandoned, cruelly
 16 neglected, or cruelly mistreated shall report such to the entity or
 17 entities that investigate such reports in that jurisdiction.

18 (3) The report shall be made within two working days of
 19 acquiring the information concerning the animal by facsimile
 20 transmission of a written report presented in the form described in
 21 subsection (6) of this section or by telephone. When an immediate
 22 response is necessary to protect the health and safety of the
 23 animal or others, the report shall be made by telephone as soon as
 24 possible.

1 (4) Nothing in this section shall be construed to impose

2 a duty to investigate observed or reasonably suspected animal
3 abandonment, cruel neglect, or cruel mistreatment. Any person
4 making a report under this section is immune from liability except
5 for false statements of fact made with malicious intent.

6 (5) Reports made pursuant to this section shall include:

7 (a) The reporter's name and title, business address, and
8 telephone number;

9 (b) The name, if known, of the animal owner or custodian,
10 whether a business or individual;

11 (c) A description of the animal or animals involved,
12 person or persons involved, and location of the animal or animals
13 and the premises; and

14 (d) The date, time, and a description of the observation
15 or incident which led the reporter to reasonably suspect animal
16 abandonment, cruel neglect, or cruel mistreatment and any other
17 information the reporter believes may be relevant.

18 (6) Reports made pursuant to this section may be made on
19 preprinted forms prepared by the entity or entities that
20 investigate reports of animal abandonment, cruel neglect, or cruel
21 mistreatment in that jurisdiction. The form shall include space
22 for the information required under subsection (5) of this section.

23 (7) When two or more employees jointly have observed or
24 reasonably suspected animal abandonment, cruel neglect, or cruel
25 mistreatment and there is agreement between or among them, a report
26 may be made by one person by mutual agreement. Any reporter who
27 has knowledge that the person designated to report has failed to do
1 so shall thereafter make the report.

2 (8) Any employee failing to report under this section
3 shall be guilty of an infraction.

4 Sec. 2. Section 28-101, Revised Statutes Supplement,
5 2002, is amended to read:

6 28-101. Sections 28-101 to 28-1348 and section 1 of this
7 act shall be known and may be cited as the Nebraska Criminal Code.

8 Sec. 3. Section 28-1008, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 28-1008. For purposes of sections 28-1008 to 28-1016 and
11 section 1 of this act:

12 (1) Abandon means to leave any animal for any length of
13 time without making effective provision for its food, water, or
14 other care as is reasonably necessary for the animal's health;

15 (2) Animal means any vertebrate member of the animal
16 kingdom. The term does not include an uncaptured wild creature;

17 (3) Cruelly mistreat means to knowingly and intentionally
18 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
19 otherwise inflict harm upon any animal;

20 (4) Cruelly neglect means to fail to provide any animal
21 in one's care, whether as owner or custodian, with food, water, or
22 other care as is reasonably necessary for the animal's health;

23 (5) Humane killing means the destruction of an animal by

24 a method which causes the animal a minimum of pain and suffering;

25 (6) Law enforcement officer means any member of the
26 Nebraska State Patrol, any county or deputy sheriff, any member of
27 the police force of any city or village, or any other public

1 official authorized by a city or village to enforce state or local
2 animal control laws, rules, regulations, or ordinances; and

3 (7) Police animal means a horse or dog owned or
4 controlled by the State of Nebraska for the purpose of assisting a
5 Nebraska state trooper in the performance of his or her official
6 enforcement duties.

7 Sec. 4. Section 28-1013, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 28-1013. Sections 28-1008 to 28-1016 and section 1 of
10 this act shall not apply to:

11 (1) Care or treatment of an animal by a veterinarian
12 licensed under the Nebraska Veterinary Practice Act;

13 (2) Commonly accepted care or treatment of a police
14 animal by a law enforcement officer in the normal course of his or
15 her duties;

16 (3) Research activity carried on by any research facility
17 currently meeting the standards of the federal Animal Welfare Act,
18 7 U.S.C. 2131 et seq., as such section existed on January 1, 2003;

19 (4) Commonly accepted practices of hunting, fishing, or
20 trapping;

21 (5) Commonly accepted practices occurring in conjunction
22 with rodeos, animal racing, or pulling contests;

23 (6) Humane killing of an animal by the owner or by his or
24 her agent or a veterinarian upon the owner's request;

25 (7) Commonly accepted practices of animal husbandry with
26 respect to farm animals, including their transport from one
27 location to another and nonnegligent actions taken by personnel or
1 agents of the Nebraska Department of Agriculture or the United
2 States Department of Agriculture in the performance of duties
3 prescribed by law;

4 (8) Use of reasonable force against an animal, other than
5 a police animal, which is working, including killing, capture, or
6 restraint, if the animal is outside the owned or rented property of
7 its owner or custodian and is injuring or posing an immediate
8 threat to any person or other animal;

9 (9) Killing of house or garden pests;

10 (10) Commonly followed practices occurring in conjunction
11 with the slaughter of animals for food or byproducts; and

12 (11) Commonly accepted animal training practices.

13 Sec. 5. Section 28-1014, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 28-1014. Any city, village, or county may adopt and
16 promulgate rules, regulations, and ordinances which are not
17 inconsistent with the provisions of sections 28-1008 to 28-1016 and
18 section 1 of this act for the protection of the public, public

19 health, and animals within its jurisdiction.

20 Sec. 6. Section 28-1015, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 28-1015. When an animal is owned by a minor child, the
23 parent of such minor child with whom the child resides or legal
24 guardian with whom the child resides shall be subject to the
25 penalties provided under sections 28-1008 to 28-1016 and section 1
26 of this act if the animal is abandoned or cruelly neglected.

27 Sec. 7. Section 28-1016, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 28-1016. Nothing in sections 28-1008 to 28-1016 and
3 section 1 of this act shall be construed as amending or changing
4 the authority of the Game and Parks Commission as established in
5 the Game Law or to prohibit any conduct authorized or permitted by
6 such law.

7 Sec. 8. Original sections 28-1008 and 28-1013 to
8 28-1016, Reissue Revised Statutes of Nebraska, and section 28-101,
9 Revised Statutes Supplement, 2002, are repealed."

LEGISLATIVE BILL 300. Placed on General File as amended.

Standing Committee amendment to LB 300:

AM0187

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 28-1005, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-1005. (1) No person shall knowingly:

6 (a) Promote, engage in, or be employed at dogfighting,
7 cockfighting, bearbaiting, or pitting an animal against another;

8 (b) Receive money for the admission of another person to
9 a place kept for such purpose;

10 (c) Own, use, train, sell, or possess an animal for such
11 purpose; or

12 (d) Permit any act as described in this subsection to
13 occur on any premises owned or controlled by him or her.

14 (2) Any person violating subsection (1) of this section
15 shall be guilty of a ~~Class I misdemeanor for the first conviction.~~
16 ~~A person convicted of violating any provision of subsection (1) of~~
17 ~~this section for a second or subsequent time shall be guilty of a~~
18 ~~Class IV felony.~~

19 (3) No person shall knowingly and willingly be present at
20 and witness as a spectator dogfighting, cockfighting, bearbaiting,
21 or the pitting of an animal against another as prohibited in
22 subsection (1) of this section. Any person who violates any
23 provision of this subsection shall be guilty of a ~~Class I~~
24 ~~misdemeanor~~ Class IV felony.

1 Sec. 2. Section 28-1009, Revised Statutes Supplement,
2 2002, is amended to read:

3 28-1009. (1) A person who abandons or cruelly neglects

4 an animal is guilty of a ~~Class II misdemeanor for the first offense~~
 5 ~~and a Class I misdemeanor for any subsequent offense.~~
 6 ~~(2) A (2)(a) Except as provided in subdivision (b) of~~
 7 ~~this subsection, a person who cruelly mistreats an animal is guilty~~
 8 ~~of a Class I misdemeanor for the first offense and a Class IV~~
 9 ~~felony for any subsequent offense.~~
 10 (b) A person who cruelly mistreats an animal is guilty of
 11 a Class IV felony if such cruel mistreatment involves the knowing
 12 and intentional torture, repeated beating, or mutilation of the
 13 animal.
 14 (3) A person commits harassment of a police animal if he
 15 or she knowingly and intentionally teases or harasses a police
 16 animal in order to distract, agitate, or harm the police animal for
 17 the purpose of preventing such animal from performing its
 18 legitimate official duties. Harassment of a police animal is a
 19 Class IV misdemeanor unless the harassment is the proximate cause
 20 of the death of the police animal, in which case it is a Class IV
 21 felony.
 22 Sec. 3. Original section 28-1005, Reissue Revised
 23 Statutes of Nebraska, and section 28-1009, Revised Statutes
 24 Supplement, 2002, are repealed.".

LEGISLATIVE BILL 669. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

Monday, March 3, 2003

1:30 p.m.

AGENCY 5 - Supreme Court

AGENCY 11 - Attorney General

AGENCY 64 - State Patrol

AGENCY 94 - Comm. on Public Advocacy

Room 1524

Tuesday, March 4, 2003

1:30 p.m.

AGENCY 13 - Dept. of Education

AGENCY 34 - Nebraska Library Commission

AGENCY 47 - Educational Telecommunications

AGENCY 69 - Nebraska Arts Council

Room 1003

Wednesday, March 5, 2003

1:30 p.m.

AGENCY 21 - State Fire Marshal

AGENCY 35 - Liquor Control Commission

AGENCY 78 - NE Commission on Law Enforcement
AGENCY 15 - Board of Pardons
AGENCY 46 - Correctional Services

Thursday, March 6, 2003

1:30 p.m.

AGENCY 16 - Dept. of Revenue

AGENCY 96 - Property Assessment & Taxation

(Signed) Roger R. Wehrbein, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Kosman, Willa - State Colleges Board of Trustees - Education

Roskens, William - State Colleges Board of Trustees - Education

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 14, 2003, at 10:27 a.m. were the following: LBs 14e, 15, 34, 35, 40, 69, 69A, 83e, 92e, 93, 122, 167, 191, 192, 242, 245, 281e, 295, and 306.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 34. Introduced by Smith, 48; Louden, 49.

WHEREAS, Heather Guerrero was a very outgoing and personable student who was well liked by the students and school staff who knew her; and

WHEREAS, she was described as not only a good student in the classroom but active in extracurricular programs as well; and

WHEREAS, she had a special place in the hearts of her parents, siblings, and extended family; and

WHEREAS, her life though short brought joy to those who knew her.

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

1. That heartfelt condolences be offered to the family of Heather Guerrero.

2. That a copy of this resolution be presented to her parents.

Laid over.

LEGISLATIVE RESOLUTION 35. Introduced by Vrtiska, 1.

WHEREAS, David "Graham" Waddell, a resident of Auburn, 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 achievement 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, David "Graham" Waddell 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 twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, on Sunday, April 13, 2003, David "Graham" Waddell will receive the rank of Eagle Scout, thereby joining, through his hard work and perseverance, other high achievers who are Eagle Scouts.

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

1. That the Legislature congratulates David "Graham" Waddell on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to David "Graham" Waddell.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 562A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 562, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE RESOLUTION 18CA. Read. Considered.

The Standing Committee amendment, AM0166, found on page 389, was considered.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 226. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 172, LB 512, LB 566, LB 660, and LB 709. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LR 2CA. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 607. No objections. So ordered.

VISITORS

Visitor to the Chamber was Eric Hamilton from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 18, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 2003

PRAYER

The prayer was offered by Pastor Patrick Burt, Bethany 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 Senator Cunningham who was excused; and Senators Beutler, Brashear, Brown, Maxwell, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

NOTICE OF COMMITTEE HEARING

Education
Room 1525

Monday, March 3, 2003

1:30 p.m.

Willa Kosman - State Colleges Board of Trustees

William Roskens - State Colleges Board of Trustees

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 18CA. The Standing Committee amendment, AM0166, found on page 389 and considered on page 553, was renewed.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Redfield moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 18:

Aguilar	Combs	Friend	Mossey	Schrock
Baker	Conneally	Hartnett	Pedersen, Dw.	Smith
Bourne	Cudaback	Louden	Quandahl	
Burling	Erdman	Mines	Redfield	

Voting in the negative, 23:

Beutler	Engel	Kruse	Raikes	Thompson
Brashear	Hudkins	McDonald	Schimek	Tyson
Bromm	Johnson	Pederson, D.	Stuhr	Wehrbein
Byars	Jones	Preister	Stuthman	
Chambers	Kremer	Price	Synowiecki	

Present and not voting, 6:

Brown	Janssen	Maxwell
Foley	Landis	Vrtiska

Excused and not voting, 2:

Cunningham Jensen

Failed to advance to E & R for review with 18 ayes, 23 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 52. Title read. Considered.

Senator Chambers offered the following amendment:

FA1161

P. 2, in line 17 after "village" insert "which has adopted a resolution that prohibits discrimination in employment based on sexual orientation".

Senator Chambers offered the following amendment to his pending amendment:

FA1163

Amend FA1161

In Chambers amendment, strike "resolution" and insert "ordinance"

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 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 21:

Aguilar	Chambers	Janssen	Schimek	Wehrbein
Beutler	Connealy	Johnson	Schrock	
Bourne	Cudaback	Landis	Stuthman	
Bromm	Hartnett	Maxwell	Synowiecki	
Byars	Hudkins	Pederson, D.	Thompson	

Voting in the negative, 2:

Erdman	Foley

Present and not voting, 23:

Baker	Friend	McDonald	Price	Stuhr
Brown	Jones	Mines	Quandahl	Tyson
Burling	Kremer	Mossey	Raikes	Vrtiska
Combs	Kruse	Pedersen, Dw.	Redfield	
Engel	Louden	Preister	Smith	

Excused and not voting, 3:

Brashear	Cunningham	Jensen

The Chambers amendment lost with 21 ayes, 2 nays, 23 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SPEAKER BROMM PRESIDING

Senator Chambers withdrew his pending amendment, FA1161, found in this day's Journal.

Senator Chambers offered the following amendment:
FA1162

Page 3, line 24 after "village" insert "which has adopted a resolution that prohibits discrimination in employment based on sexual orientation".

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

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 29, 30, and 31 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 29, 30, and 31.

GENERAL FILE

LEGISLATIVE BILL 52. The Chambers pending amendment, FA1162, found in this day's Journal, was renewed.

Senator Chambers offered the following amendment to his pending amendment:

FA1164

Amend FA1162

In Chambers amendment, strike "resolution" and insert "ordinance"

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

SENATOR SCHIMEK PRESIDING

Senators Bromm and Engel 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 18 ayes, 1 nay, and 30 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA1162, as amended. No objections. So ordered.

Advanced to E & R for review with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No

objections. So ordered.

LEGISLATIVE BILL 150. Title read. Considered.

The Standing Committee amendment, AM0116, found on page 389, was adopted with 31 ayes, 0 nays, 12 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.

Senators Aguilar and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 365. Title read. Considered.

The Standing Committee amendment, AM0117, found on page 389, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Beutler offered the following amendment:

AM0422

- 1 1. In the Standing Committee amendment, AM0117, on page
- 2 2, line 14, strike "revising" and insert "used solely to revise";
- 3 and in lines 16 and 25 after "are" insert "specific and".
- 4 2. On page 3, line 1, strike "revising" and insert "used
- 5 solely to revise".

The Beutler amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

The Standing Committee amendment, AM0142, found on page 398, was considered.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 30, 31, 41, 72, 76, 213, 241, 291, 292, and 305.

ER9009

Enrollment and Review Change to LB 30

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock amendment, AM0365:
 - a. On page 2, lines 11 and 19, "natural resources" has been struck; and
 - b. On page 3, line 1, the first period has been struck.
2. On page 1, the matter beginning with "change" in line 3 through line 4 has been struck and "provide for enforcement of certain violations; to create a fund; to eliminate a penalty; to repeal the original section; and to declare an emergency." inserted.

ER9013

Enrollment and Review Change to LB 76

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "the membership of" has been struck and "membership provisions for" inserted.

ER9011

Enrollment and Review Change to LB 292

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R Amendments, AM7017, on page 9, line 18, "and 77-1502" has been struck and "77-1502, and 79-1082" inserted; and in line 20 "to change school tax levy provisions;" has been inserted after the semicolon.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 644. Placed on General File as amended.

Standing Committee amendment to LB 644:

AM0402

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. (1) Not later than December 1, 2003, and
- 4 every fourth December 1 thereafter, the county assessor of each
- 5 county shall file with the Property Tax Administrator and the
- 6 county board a report specifying the following information for the
- 7 then current year:
- 8 (a) The legal description and owner of all property owned
- 9 by the state or a governmental subdivision of the state;
- 10 (b) The legal description and owner of all property

11 subject to taxation pursuant to sections 77-202.11 and 77-202.12;
 12 (c) The assessed valuation of the property described in
 13 subdivision (1)(b) of this section;
 14 (d) The amount of taxes due and payable on the property
 15 described in subdivision (1)(b) of this section; and
 16 (e) The lessee of the property unless the state or
 17 governmental subdivision has chosen to pay the tax pursuant to
 18 subsection (4) of section 77-202.11.
 19 (2) The Department of Property Assessment and Taxation
 20 shall use the information reported in subdivision (1)(b) of this
 21 section to create and maintain a data base of the information that
 22 is available to the public on the website of the department. The
 23 data base shall be searchable by legal description, owner, and tax
 24 status."

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 110. Placed on General File.

LEGISLATIVE BILL 521. Placed on General File.

LEGISLATIVE BILL 605. Placed on General File.

LEGISLATIVE BILL 236. Placed on General File as amended.

Standing Committee amendment to LB 236:

AM0300

- 1 1. On page 2, lines 9 and 10, strike the new matter and
- 2 reinstate the stricken matter and after the reinstated
- 3 "information" insert "specified and made public consistent with 20
- 4 U.S.C. 1232g, as such section existed on January 1, 2003".

LEGISLATIVE BILL 349. Placed on General File as amended.

Standing Committee amendment to LB 349:

AM0399

- 1 1. Insert the following new section:
- 2 "Section 1. Section 49-1449, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 49-1449. Each committee shall file a statement of
- 5 organization with the commission. Such statement of organization
- 6 shall be filed (1) within ten days after a committee is formed or
- 7 (2) if the committee is formed within thirty days prior to an
- 8 election for which the committee exists, within two business days
- 9 after the committee is formed. The commission shall maintain a
- 10 statement of organization filed by a committee until notified of
- 11 the committee's dissolution. Any person who fails to file with the
- 12 commission a statement of organization required by this section
- 13 shall pay to the commission a late filing fee of twenty-five
- 14 dollars for each day the statement remains not filed in violation

- 15 of this section, not to exceed seven hundred fifty dollars.".
- 16 2. On page 2, line 20, strike "section" and insert
- 17 "sections 49-1449 and"; and in line 21 strike "is" and insert
- 18 "are".
- 19 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 430. Placed on General File as amended.
 Standing Committee amendment to LB 430:
 AM0415

- 1 1. On page 2, line 25, after "trade" insert ", cultural,
- 2 or educational"; and strike beginning with "conduct" in line 26
- 3 through "to" in line 27.

LEGISLATIVE BILL 762. Placed on General File as amended.
 Standing Committee amendment to LB 762:
 AM0398

- 1 1. On page 4, line 26; page 5, lines 1, 4, 8, 9, 18, 21,
- 2 26, 27, and 28; and page 6, lines 1, 6, 7, 10, 17, 20, 21, and 24;
- 3 reinstate the stricken matter and strike the new matter.
- 4 2. On page 7, line 1, reinstate the stricken matter and
- 5 after the reinstated "means" insert "the calendar year of the
- 6 election".

LEGISLATIVE BILL 261. Indefinitely postponed.
LEGISLATIVE BILL 345. Indefinitely postponed.
LEGISLATIVE BILL 554. Indefinitely postponed.
LEGISLATIVE BILL 646. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems
 Room 1525

LB 120	Wednesday, February 26, 2003	12:15 p.m.
LB 134	Wednesday, February 26, 2003	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

Appropriations
 Room 1524

LB 569	Monday, March 10, 2003	1:30 p.m.
LB 570	Monday, March 10, 2003	1:30 p.m.

Monday, March 10, 2003	1:30 p.m.
AGENCY 83 - Community College Aid	
AGENCY 51 - University Systemwide	

Tuesday, March 11, 2003 1:30 p.m.
 AGENCY 48 - Postsecondary Education
 AGENCY 50 - State College System

Room 1003

Wednesday, March 12, 2003 1:30 p.m.
 AGENCY 31 - Military
 AGENCY 33 - Game & Parks Commission
 AGENCY 54 - State Historical Society
 AGENCY 72 - Dept. of Economic Development

LB 639 Thursday, March 13, 2003 1:30 p.m.
 LB 640 Thursday, March 13, 2003 1:30 p.m.
 LB 780 Thursday, March 13, 2003 1:30 p.m.

Thursday, March 13, 2003 1:30 p.m.
 AGENCY 24 - Dept. of Motor Vehicles
 AGENCY 40 - Motor Vehicle Licensing Board
 AGENCY 17 - Dept. of Aeronautics
 AGENCY 90 - Nebraska Railway Council
 AGENCY 27 - Dept. of Roads

Friday, March 14, 2003 1:30 p.m.
 AGENCY 28 - Dept. of Veterans' Affairs
 AGENCY 37 - Workers' Compensation Court
 AGENCY 93 - Tax Equalization & Review
 AGENCY 75 - Investment Council
 AGENCY 77 - Comm. of Industrial Relations
 AGENCY 85 - Employees Retirement Bd.

Room 1524

LB 415 Monday, March 17, 2003 1:30 p.m.

Monday, March 17, 2003 1:30 p.m.
 AGENCY 20 - HHS -- Regulation & Licensure
 AGENCY 25 - Health & Human Services
 AGENCY 26 - HHS--Finance & Support

LB 151 Tuesday, March 18, 2003 1:30 p.m.
 LB 410 Tuesday, March 18, 2003 1:30 p.m.
 LB 557 Tuesday, March 18, 2003 1:30 p.m.
 LB 627 Tuesday, March 18, 2003 1:30 p.m.

Tuesday, March 18, 2003 1:30 p.m.
 AGENCY 19 - Dept. of Banking
 AGENCY 22 - Dept. of Insurance
 AGENCY 87 - Account. & Disclosure Comm.

AGENCY 65 - Dept. of Administrative Services

Room 1003

LB 440	Wednesday, March 19, 2003	1:30 p.m.
LB 424	Wednesday, March 19, 2003	1:30 p.m.

Wednesday, March 19, 2003 1:30 p.m.

AGENCY 7 - Governor

AGENCY 8 - Lieutenant Governor

AGENCY 9 - Secretary of State

AGENCY 10 - Auditor of Public Accounts

AGENCY 12 - State Treasurer

AGENCY 14 - Public Service Commission

AGENCY 3 - Legislative Council

(Signed) Roger R. Wehrbein, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 31A. 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 31, Ninety-eighth Legislature, First Session, 2003.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the final passage of LB 14e, LB 15, LB 34, LB 35, LB 40, LB 69, LB 69A, LB 83e, LB 92e, LB 93, LB 122, LB 191, LB 192, LB 242, LB 245, LB 281e, LB 295, and LB 306.

(Signed) Elaine Stuhr

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 560:
AM0328

1. On page 39, line 18, strike "sixty" and insert
- 2 "thirty-six".

Senator Baker filed the following amendment to LB 560:
AM0192

1. Insert the following new section:
- 2 "Sec. 28. Section 60-129, Revised Statutes Supplement,
- 3 2002, is amended to read:

4 60-129. When an insurance company acquires a salvage
 5 vehicle through payment of a total loss settlement on account of
 6 damage, the company shall obtain the certificate of title from the
 7 owner, surrender such certificate of title to the county clerk, and
 8 make application for a salvage branded certificate of title which
 9 shall be assigned when the company transfers ownership. An insurer
 10 shall take title to a salvage vehicle for which a total loss
 11 settlement is made unless the owner of the vehicle elects to retain
 12 the vehicle. If the owner elects to retain the vehicle, the
 13 insurance company shall notify the Department of Motor Vehicles of
 14 such fact in a format prescribed by the department. The department
 15 shall immediately enter the salvage brand onto the computerized
 16 record of the vehicle. The insurance company shall also notify the
 17 owner of the owner's responsibility to comply with this section.
 18 The owner shall, within ten days after the settlement of the loss,
 19 forward the properly endorsed acceptable certificate of title to
 20 the county clerk or designated county official in the county where
 21 the vehicle has situs. The county clerk or designated county
 22 official shall, upon receipt of the certificate of title, issue a
 23 salvage branded certificate of title for the vehicle."

24 2. On page 9, line 8, after the first "a" insert
 1 "salvage"; and in line 9 after "made" insert "unless the owner of
 2 the motorboat elects to retain the motorboat. If the owner elects
 3 to retain the motorboat, the insurance company shall notify the
 4 Department of Motor Vehicles of such fact in a format prescribed by
 5 the department. The department shall immediately enter the salvage
 6 brand onto the computerized record of the motorboat. The insurance
 7 company shall also notify the owner of the owner's responsibility
 8 to comply with this section. The owner shall, within ten days
 9 after the settlement of the loss, forward the properly endorsed
 10 acceptable certificate of title to the county clerk or designated
 11 county official in the county designated in section 37-1214. The
 12 county clerk or designated county official shall, upon receipt of
 13 the certificate of title, issue a salvage branded certificate of
 14 title for the motorboat".

15 3. On page 50, line 3, after "60-111.01," insert
 16 "60-129,".

17 4. Renumber the remaining sections accordingly.

Senator Quandahl filed the following amendment to LB 218:
 AM0416

- 1 1. On page 37, line 5, strike "beneficiary", show as
- 2 stricken, and insert "mortgagee".

Senator Beutler filed the following amendment to LB 101:
 AM0372

- 1 1. On page 2, line 12, after "telephone" insert
- 2 "conference call"; and in line 18 after "public" insert "and shall
- 3 be conducted in accordance with sections 84-1408 to 84-1414".

Senator Baker filed the following amendment to LB 563:
AM0397

- 1 1. On page 7, strike lines 9 through 12, show as
- 2 stricken, and insert "owner may petition for an appeal of the
- 3 matter. The director shall appoint a hearing officer who shall
- 4 hear the dispute and issue a written decision. Any appeal shall be
- 5 in".

Senator Redfield filed the following amendment to LB 226:
AM0381

- 1 1. Strike sections 2 and 4.
- 2 2. Renumber the remaining section accordingly.

Senator Redfield filed the following amendment to LB 381:
AM0406

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 13-324, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-324. (1) The Tax Commissioner shall administer all
- 5 sales and use taxes adopted under section 13-319. The Tax
- 6 Commissioner may prescribe forms and adopt and promulgate
- 7 reasonable rules and regulations in conformity with the Nebraska
- 8 Revenue Act of 1967, as amended, for the making of returns and for
- 9 the ascertainment, assessment, and collection of taxes. The county
- 10 shall furnish a certified copy of the adopting or repealing
- 11 resolution to the Tax Commissioner in accordance with such rules
- 12 and regulations. The tax shall begin the first day of the next
- 13 calendar quarter following receipt by the Tax Commissioner of the
- 14 certified copy of the adopted resolution if the certified copy of
- 15 the adopted resolution is received sixty days prior to the start of
- 16 the next calendar quarter.
- 17 (2) For resolutions containing a termination date, the
- 18 termination date is the first day of a calendar quarter. The
- 19 county shall furnish a certified statement to the Tax Commissioner
- 20 no more than one hundred twenty days and at least sixty days before
- 21 the termination date that the termination date stated in the
- 22 resolution is still valid. If the certified statement is not
- 23 furnished within the prescribed time, the tax shall remain in
- 24 effect, and the Tax Commissioner shall continue to collect the tax
- 1 until the first day of the calendar quarter which is at least sixty
- 2 days after receipt of the certified statement notwithstanding the
- 3 termination date stated in the resolution.
- 4 (3) In the rental or lease of automobiles, trucks,
- 5 trailers, semitrailers, and truck-tractors as defined in section
- 6 60-301, the tax shall be collected by the lessor on the rental or
- 7 lease price at the tax rate in effect on the date the automobile,
- 8 truck, trailer, semitrailer, or truck-tractor is delivered to the
- 9 lessee.

10 (4) The Tax Commissioner shall collect the sales and use
 11 tax concurrently with collection of a state tax in the same manner
 12 as the state tax is collected. The Tax Commissioner shall remit
 13 monthly the proceeds of the tax to the counties imposing the tax,
 14 after deducting the amount of refunds made and three percent of the
 15 remainder as an administrative fee necessary to defray the cost of
 16 collecting the tax and the expenses incident thereto. The Tax
 17 Commissioner shall keep full and accurate records of all money
 18 received and distributed. All receipts from the three-percent
 19 administrative fee shall be deposited in the state General Fund.
 20 (4) (5) Upon any claim of illegal assessment and
 21 collection, the taxpayer has the same remedies provided for claims
 22 of illegal assessment and collection of the state tax. It is the
 23 intention of the Legislature that the provisions of law which apply
 24 to the recovery of state taxes illegally assessed and collected
 25 apply to the recovery of sales and use taxes illegally assessed and
 26 collected under section 13-319.

27 Sec. 2. Section 13-2814, Revised Statutes Supplement,
 1 2002, is amended to read:

2 13-2814. (1) The Tax Commissioner shall administer all
 3 sales and use taxes adopted under section 13-2813. The Tax
 4 Commissioner may prescribe forms and adopt and promulgate rules and
 5 regulations in conformity with the Nebraska Revenue Act of 1967, as
 6 amended, for the making of returns and for the ascertainment,
 7 assessment, and collection of taxes. The council shall furnish a
 8 certified copy of the adopting or repealing resolution to the Tax
 9 Commissioner in accordance with such rules and regulations. The
 10 tax shall begin the first day of the next calendar quarter
 11 following receipt by the Tax Commissioner of the certified copy of
 12 the adopted resolution if the certified copy of the adopted
 13 resolution is received sixty days prior to the start of the next
 14 calendar quarter.

15 (2) For resolutions containing a termination date, the
 16 termination date is the first day of a calendar quarter. The
 17 council shall furnish a certified statement to the Tax Commissioner
 18 no more than one hundred twenty days and at least sixty days before
 19 the termination date stating that the termination date in the
 20 resolution is still valid. If the certified statement is not
 21 furnished within the prescribed time, the tax shall remain in
 22 effect and the Tax Commissioner shall continue to collect the tax
 23 until the first day of the calendar quarter which is at least sixty
 24 days after receipt of the certified statement notwithstanding the
 25 termination date stated in the resolution.

26 (3) In the rental or lease of automobiles, trucks,
 27 trailers, semitrailers, and truck-tractors as defined in section
 1 60-301, the tax shall be collected by the lessor on the rental or
 2 lease price at the tax rate in effect on the date the automobile,
 3 truck, trailer, semitrailer, or truck-tractor is delivered to the
 4 lessee.

5 (4) The Tax Commissioner shall collect the sales and use
6 tax concurrently with collection of a state tax in the same manner
7 as the state tax is collected. The Tax Commissioner shall remit
8 monthly the proceeds of the tax to the municipal county imposing
9 the tax, after deducting the amount of refunds made and three
10 percent of the remainder as an administrative fee necessary to
11 defray the cost of collecting the tax and the expenses incident
12 thereto. The Tax Commissioner shall keep full and accurate records
13 of all money received and distributed. All receipts from the three
14 percent administrative fee shall be deposited in the Municipal
15 Equalization Fund.

16 (4)(5) Upon any claim of illegal assessment and
17 collection, the taxpayer has the same remedies as provided for
18 claims of illegal assessment and collection of the state tax. It
19 is the intention of the Legislature that the provisions of law
20 which apply to the recovery of state taxes illegally assessed and
21 collected apply to the recovery of sales and use taxes illegally
22 assessed and collected under section 13-2813.

23 Sec. 4. Section 77-27,143, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 77-27,143. (1) The administration of all sales and use
26 taxes adopted under the Local Option Revenue Act shall be by the
27 Tax Commissioner who may prescribe forms and adopt and promulgate
1 reasonable rules and regulations in conformity with the act for the
2 making of returns and for the ascertainment, assessment, and
3 collection of taxes imposed under such act. The incorporated
4 municipality shall furnish a certified copy of the adopting or
5 repealing ordinance to the Tax Commissioner in accordance with such
6 rules and regulations as he or she may adopt and promulgate. For
7 ordinances passed after October 1, 1969, the effective date shall
8 be the first day of the next calendar quarter following receipt by
9 the Tax Commissioner of the certified copy of the ordinance if the
10 certified copy of the adopted ordinance is received sixty days
11 prior to the start of the next calendar quarter.

12 (2) For ordinances containing a termination date and
13 passed after October 1, 1986, the termination date shall be the
14 first day of a calendar quarter. The incorporated municipality
15 shall furnish a certified statement to the Tax Commissioner no more
16 than one hundred twenty days and at least sixty days prior to the
17 termination date that the termination date stated in the ordinance
18 is still valid. If the certified statement is not furnished within
19 the prescribed time, the tax shall remain in effect, and the Tax
20 Commissioner shall continue to collect the tax until the first day
21 of the calendar quarter which is at least sixty days after receipt
22 of the certified statement notwithstanding the termination date
23 stated in the ordinance.

24 (3) In the rental or lease of automobiles, trucks,
25 trailers, semitrailers, and truck-tractors as defined in section
26 60-301, the tax shall be collected by the lessor on the rental or

- 27 lease price at the tax rate in effect on the date the automobile,
 1 truck, trailer, semitrailer, or truck-tractor is delivered to the
 2 lessee."
 3 2. On page 14, line 22, strike "section" and insert
 4 "sections 13-324 and 77-27,143, Reissue Revised Statutes of
 5 Nebraska, and sections 13-2814 and"; and in line 23 strike "is" and
 6 insert "are".
 7 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 150:
 AM0420

- 1 1. On page 2, line 18, strike "representative", show as
 2 stricken, and insert "employee or member of the board of
 3 commissioners"; in line 20 strike "which", show as stricken, and
 4 insert "knowing it"; and in line 21 strike "misconduct in office",
 5 show as stricken, and insert "a Class II misdemeanor".

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 186:
 Bracket LB 186 until April 1, 2003.

VISITORS

Visitors to the Chamber were students and teacher from Perkins County Christian School; Newman Grove FFA Chapter members and advisor; and FBLA member, Marie Bruning, from Madison.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 2003.

Patrick J. O'Donnell
 Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 19, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 19, 2003

PRAYER

The prayer was offered by Pastor Norma J. Vander Meer, Bethany Lutheran Church, Lyons, Nebraska and Immanuel Lutheran Church, Rosalie, 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, Chambers, and Dw. Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 94. The Standing Committee amendment, AM0142, found on page 398 and considered on page 559, was renewed.

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 143. Title read. Considered.

The Standing Committee amendment, AM0143, found on page 400, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.

The Standing Committee amendment, AM0178, found on page 400, was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 54. Title read. Considered.

The Standing Committee amendment, AM0181, found on page 400, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Senators Aguilar and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

Failed to advance to E & R for review with 9 ayes, 16 nays, 21 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 619. Placed on General File as amended.
(Standing Committee amendment, AM0380, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 123. Indefinitely postponed.
LEGISLATIVE BILL 145. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Health and Human Services

LEGISLATIVE BILL 611. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 75. Placed on General File as amended.

Standing Committee amendment to LB 75:

AM0425

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 23-1701, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 23-1701. It is the duty of the sheriff to serve or
6 otherwise execute, according to law, and return writs or other
7 legal process issued by lawful authority and directed or committed
8 to the sheriff and to perform such other duties as may be required
9 by law. The county sheriff shall prepare and file the required
10 annual inventory statement of county personal property in his or
11 her custody or possession as provided in sections 23-346 to 23-350.

12 A sheriff elected after November 1986 need not be a
13 resident of the county when he or she files for election as
14 sheriff, but a sheriff shall reside in a county for which he or she
15 holds office except as provided in subsection (4) of section
16 23-1701.01.

17 Sec. 2. Section 23-1701.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 23-1701.01. (1) ~~Each~~ In each county with a population of
20 less than ten thousand inhabitants, the sheriff shall attend the
21 Nebraska Law Enforcement Training Center and receive a certificate
22 attesting to satisfactory completion of the Sheriff's Certification
23 Course within eight months of taking office unless such sheriff has
24 already been awarded a certificate by the Nebraska Commission on
1 Law Enforcement and Criminal Justice attesting to satisfactory
2 completion of such course or unless such sheriff can demonstrate to
3 the Nebraska Police Standards Advisory Council that his or her
4 previous training and education is such that he or she will
5 professionally discharge the duties of the office.

6 (2) In each county with a population of ten thousand or
7 more inhabitants, a candidate for the office of sheriff shall
8 submit with the candidate filing form required by section 32-607
9 proof that he or she has attended the Nebraska Law Enforcement
10 Training Center and received a certificate attesting to
11 satisfactory completion of the Sheriff's Certification Course or
12 proof that he or she has demonstrated to the Nebraska Police
13 Standards Advisory Council that his or her previous training and
14 education is such that he or she will professionally discharge the
15 duties of the office.

16 (3) Any sheriff in office prior to July 19, 1980, shall
17 ~~not be required to obtain a certificate attesting to satisfactory~~
18 ~~completion of the Sheriff's Certification Course but shall~~
19 ~~otherwise be subject to be exempt from the requirements of~~
20 ~~subsections (1) and (2) of this section.~~

21 (4) In making an appointment pursuant to section 32-567,
22 the county board may appoint a qualified person from any Nebraska
23 county to the office of sheriff. In making such appointment, the

24 county board shall negotiate a contract with the appointee, such
25 contract to specify the terms and conditions of the appointment,
26 including the compensation of the appointee, which compensation
27 shall not be subject to sections 23-1114.02 to 23-1114.06.

1 (5) Each sheriff shall attend twenty hours of continuing
2 education in criminal justice and law enforcement courses approved
3 by the council each year following the first year of such sheriff's
4 term of office. Such continuing education shall be offered through
5 seminars, advanced education which may include college or
6 university classes, or conferences and shall be of a type which has
7 application to and seeks to maintain and improve the skills of the
8 sheriffs in carrying out the responsibilities of their office.

9 ~~(2)~~ (6) Unless a sheriff is able to show good cause for
10 not complying with subsection ~~(4)~~ (5) of this section or obtains a
11 waiver of the training requirements from the council, any sheriff
12 who violates subsection ~~(4)~~ (5) of this section shall be punished
13 by a fine equal to such sheriff's monthly salary. Each month in
14 which such violation occurs shall constitute a separate offense.

15 Sec. 3. Original sections 23-1701 and 23-1701.01,
16 Reissue Revised Statutes of Nebraska, are repealed."

(Signed) DiAnna R. Schimek, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 498. Placed on General File.

LEGISLATIVE BILL 500. Placed on General File.

LEGISLATIVE BILL 452. Placed on General File as amended.

Standing Committee amendment to LB 452:

AM0404

1 1. On page 5, lines 4 through 10, strike the new matter
2 and insert "The county treasurer or his or her agent shall collect,
3 in addition to other registration fees, the following late fee for
4 a late registration: (a) if the registration is thirty to sixty
5 days late, twenty-five dollars, (b) if the registration is
6 sixty-one to ninety days late, fifty dollars, or (c) if the
7 registration is ninety-one or more days late, one hundred dollars.
8 No late fee shall be required to be paid for any late registration
9 on a motor vehicle which is seasonally used and which was not at
10 any time used or driven upon any public highway within this state
11 since the previous registration expired, and the person desiring to
12 register such motor vehicle without payment of the late fee files
13 with the county treasurer or designated county official as provided
14 in section 60-302 an affidavit showing where, when, and for how
15 long such motor vehicle was stored and that the same was not used
16 in this state since the previous registration expired. Any money
17 collected as a late fee shall be remitted on a monthly basis to the
18 State Treasurer for use consistent with Article VII, section 5, of

19 the Constitution of Nebraska."

20 2. On page 6, lines 4 through 11, strike the new matter
 21 and insert "except that the judge shall impose a fifty-dollar
 22 fine at a minimum. In addition, the prosecuting attorney may bring
 23 an action to recover a civil penalty of five hundred dollars. All
 24 penalties shall be remitted to the State Treasurer for use
 1 consistent with Article VII, section 5, of the Constitution of
 2 Nebraska".

LEGISLATIVE BILL 416. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 282:
 AM0417

(Amendments to E & R amendments, AM7034)

- 1 1. On page 3, line 7; and page 112, line 10, after
- 2 "quarter" insert "which is at least one hundred twenty days".
- 3 2. On page 3, strike beginning with "if" in line 8
- 4 through the period in line 10, show the old matter as stricken, and
- 5 insert an underscored period.
- 6 3. On page 36, line 2, strike "or" and show as stricken
- 7 and after "(d)" insert ", or (e)".
- 8 4. On page 50, lines 20 and 21; page 51, lines 6 and 26;
- 9 and page 52, line 7, strike "subsection (2)" and insert
- 10 "subsections (2) through (6)".
- 11 5. On page 52, strike beginning with "notwithstanding"
- 12 in line 7 through "section" in line 8.
- 13 6. On page 66, line 20, strike "food coupons" and insert
- 14 "electronic benefits transfer or food coupons under regulations
- 15 issued by the United States Department of Agriculture"; and in line
- 16 21 after "use" insert "electronic benefits transfer or".
- 17 7. On page 112, line 10, reinstate the stricken matter
- 18 and strike the new matter; and strike beginning with "if" in line
- 19 11 through the period in line 14, show the old matter as stricken,
- 20 and insert an underscored period.

GENERAL FILE

LEGISLATIVE BILL 443. Title read. Considered.

The Standing Committee amendment, AM0170, found on page 415, 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 524. Title read. Considered.

The Standing Committee amendment, AM0186, found on page 416, 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 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 60. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 61. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS**Business and Labor****LEGISLATIVE BILL 688.** Placed on General File as amended.

Standing Committee amendment to LB 688:

AM0074

- 1 1. Strike original sections 4 to 7 and insert the
- 2 following new sections:
- 3 "Sec. 4. Any person who competes in the sport of
- 4 football for the University of Nebraska-Lincoln shall be granted a
- 5 stipend, the amount of which shall be determined by the university.
- 6 Sec. 5. Nothing in this act shall be construed to make a
- 7 person a professional athlete.
- 8 Sec. 6. This act shall become operative whenever laws
- 9 granting a similar stipend are enacted in at least three other
- 10 states which have teams that compete in the Big Twelve Conference
- 11 or its successor.".

(Signed) Floyd P. Vrtiska, Chairperson

Executive Board**LEGISLATIVE RESOLUTION 9CA.** Indefinitely postponed.

(Signed) L. Patrick Engel, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 600. Placed on General File.

LEGISLATIVE BILL 155. Placed on General File as amended.

Standing Committee amendment to LB 155:

AM0322

- 1 1. On page 2, line 16, strike "lease" and insert "farm
- 2 lease or a single-family residence lease, entered into on or after
- 3 the effective date of this act, involving parties related within
- 4 the second degree of consanguinity or affinity, and"; in line 17
- 5 after "year" insert ", and"; in line 18 after "76-211" insert an
- 6 underscored comma; and after line 20 insert the following new
- 7 subsection:
- 8 "(3) Relationship by consanguinity or affinity within the
- 9 second degree includes parents, grandparents, children,
- 10 grandchildren, brothers, and sisters.".

LEGISLATIVE BILL 247. Placed on General File as amended.

Standing Committee amendment to LB 247:

AM0450

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section 1. Any political subdivision may, at the
- 4 discretion of the governing body of the subdivision, sell bonds
- 5 which the political subdivision is authorized to issue under any
- 6 provision of law using an Internet auction system. The governing
- 7 body shall comply with all other statutory requirements for the
- 8 issuance of the bonds."

LEGISLATIVE BILL 487. Placed on General File as amended.

Standing Committee amendment to LB 487:

AM0311

- 1 1. On page 8, line 27, after the period insert "Any
- 2 filing relating to credit information is considered a trade
- 3 secret."

LEGISLATIVE BILL 362. Indefinitely postponed.

LEGISLATIVE BILL 436. Indefinitely postponed.

LEGISLATIVE BILL 693. Indefinitely postponed.

(Signed) Mark Quandahl, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 451. Placed on Select File as amended.

E & R amendment to LB 451:

AM7054

- 1 1. On page 1, line 6, strike "79-916,"; in line 14
- 2 strike the second "and"; and in line 15 after "sections" insert ";
- 3 and to declare an emergency".
- 4 2. On page 10, line 16, strike "sections" and insert
- 5 "section".
- 6 3. On page 13, line 15, strike "act" and insert "County
- 7 Employees Retirement Act".
- 8 4. On page 14, line 1, strike "(3)" and insert "(4)".
- 9 5. On page 20, line 19; and page 76, line 19, after
- 10 "board" insert an underscored comma.
- 11 6. On page 24, line 16; and page 80, line 17, strike the
- 12 second comma.
- 13 7. On page 34, line 19, strike "the" and show as
- 14 stricken.
- 15 8. On page 35, line 18, after "of" insert "the".
- 16 9. On page 42, line 1, after "first" insert "day".
- 17 10. On page 56, line 11, after "the" insert "Nebraska".
- 18 11. On page 62, line 18, strike "act" and insert "State
- 19 Employees Retirement Act".
- 20 12. On page 66, line 24, strike "is" and insert "it"; in
- 21 line 27 after "administrative" insert "services"; and in line 28
- 22 strike "cost" and insert "costs".
- 23 13. On page 68, line 1, strike "act" and insert "State
- 24 Employees Retirement Act"; and in line 22 strike "account" and
- 1 insert "benefit".

LEGISLATIVE BILL 158. Placed on Select File as amended.

(E & R amendment, AM7053, is printed separately and available in the Bill Room, Room 1104.)

Correctly Engrossed

The following bills were correctly engrossed: LBs 84, 90, 126, 238, 243, and 429.

ER9010

Enrollment and Review Change to LB 238

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "60-6,263," has been inserted before "and".

(Signed) Ray Mossey, Chairperson

GENERAL FILE**LEGISLATIVE BILL 561.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 562. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 562A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Schimek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 563. Title read. Considered.

Senator Baker renewed his pending amendment, AM0397, found on page 566.

The Baker amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Burling asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 127. Title read. Considered.

SPEAKER BROMM PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Mines asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 175. Title read. Considered.

Senator Tyson offered the following amendment:
AM0455

- 1 1. Insert the following new section:

2 "Section 1. Section 17-607, Revised Statutes Supplement,
3 2002, is amended to read:
4 17-607. (1) The city or village treasurer shall deposit,
5 and at all times keep on deposit, for safekeeping, in banks,
6 capital stock financial institutions, or qualifying mutual
7 financial institutions of approved and responsible standing, all
8 money collected, received, or held by him or her as city or village
9 treasurer. Such deposits shall be subject to all regulations
10 imposed by law or adopted by the city council or village board for
11 the receiving and holding thereof. The fact that a stockholder,
12 director, or other officer of such bank, capital stock financial
13 institution, or qualifying mutual financial institution shall also
14 be serving as mayor, as a member of the city council, as a member
15 of the village board, as a member of a board of public works, or as
16 any other officer of such municipality shall not disqualify such
17 bank, capital stock financial institution, or qualifying mutual
18 financial institution from acting as a depository for such
19 municipal funds. Section 77-2366 shall apply to deposits in
20 capital stock financial institutions. Section 77-2365.01 shall
21 apply to deposits in qualifying mutual financial institutions. The
22 city council or board of trustees, as the case may be, at its first
23 meeting in each fiscal year, shall designate some one or more
24 banks, capital stock financial institutions, or qualifying mutual
25 financial institutions of approved and responsible standing in
26 which the city treasurer or village treasurer shall keep at all
1 times, subject to payment on his or her demand, all money held by
2 him or her as such city treasurer or village treasurer. If there
3 is one or more banks, capital stock financial institutions, or
4 qualifying mutual financial institutions located in the city or
5 village which apply for the privilege of keeping such money and
6 give bond or give security for the repayment of deposits as
7 provided in this section, such banks, capital stock financial
8 institutions, or qualifying mutual financial institutions shall be
9 selected as such depositories. The city treasurer or village
10 treasurer shall not give a preference to any one or more of them in
11 the money he or she may so deposit.
12 (2) The council or board of trustees shall require from
13 all banks, capital stock financial institutions, or qualifying
14 mutual financial institutions (a) a bond, ~~referred to in subsection~~
15 ~~(1) of this section,~~ in such penal sum as may be the maximum amount
16 on deposit at any time less the amount insured by the Federal
17 Deposit Insurance Corporation or, in lieu thereof, (b) security
18 given as provided in the Public Funds Deposit Security Act;
19 ~~referred to in subsection (1) of this section,~~ to secure the
20 payment of all such deposits and accretions. The council or board
21 shall approve such bond or giving of security. The city treasurer
22 or village treasurer shall not be liable for any loss of any money
23 sustained by reason of the failure of any such depository so
24 designated and approved. ~~The fact that a stockholder, director, or~~

- 27 ~~other officer of such bank, capital stock financial institution, or~~
 1 ~~qualifying mutual financial institution is also serving as mayor,~~
 2 ~~as a member of the city council or board of trustees, as a member~~
 3 ~~of a board of public works, or as any other officer of such~~
 4 ~~municipality shall not disqualify such bank, capital stock~~
 5 ~~financial institution, or qualifying mutual financial institution~~
 6 ~~from acting as a depository for such municipal funds."~~.
 7 2. On page 17, line 7, after "sections" insert
 8 "17-607,".
 9 3. Renumber the remaining sections accordingly.

The Tyson amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

Advanced to E & R for review with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 143A. 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 143, Ninety-eighth Legislature, First Session, 2003; and to reduce an appropriation.

LEGISLATIVE BILL 164A. 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 164, Ninety-eighth Legislature, First Session, 2003.

MOTION - Print in Journal

Senator Vrtiska filed the following motion to LR 32:
 Withdraw LR 32.

ANNOUNCEMENTS

Senator Wehrbein announced the Appropriations Committee will meet on February 25, 2003, in Room 1003 instead of Room 1524.

Senator Kremer announced the Agriculture Committee will meet on February 25, 2003, in Room 1524 instead of Room 2102.

UNANIMOUS CONSENT - Add Cointroducer

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 111. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Nebraska nursing organizations; Talia Head from Omaha; 15 students and sponsors from O'Neill Public Schools; Lynne Rowan from Norfolk, Joy Denney, Jan Uttecht, and Faye Schellpeper from Stanton; and Ed Fitzgerald and Rand Hansen from Omaha and Rita Worster and John Fruhwirth from Lincoln.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 20, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 2003

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., President Heineman presiding.

The roll was called and all members were present except Senator Redfield who was excused; and Senators Byars, Chambers, Loudon, D. Pederson, Raikes, Schrock, Vrtiska, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

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

MESSAGE FROM THE GOVERNOR

February 20, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14e, 15, 34, 35, 40, 69, 69A, 83e, 92e, 93, 122, 167, 191, 192, 242, 245, 281e, 295, and 306 were received in my office on February 14, 2003.

These bills were signed by me on February 20, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

ANNOUNCEMENTS

Senator Schimek designates LR 14CA as her priority resolution.

Senator Janssen designates LR 11CA as his priority resolution.

STANDING COMMITTEE REPORT Transportation and Telecommunications

LEGISLATIVE BILL 279. Placed on General File as amended.
Standing Committee amendment to LB 279:
AM0451

- 1 1. Strike original section 1.
- 2 2. On page 9, line 17; page 11, line 11; and page 20,
3 line 2, strike "five" and insert "six".
- 4 3. On page 21, line 19, strike "60-305.09," and the
5 third comma.
- 6 4. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 33 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 33.

SELECT FILE

LEGISLATIVE BILL 282. E & R amendment, AM7034, printed separately and referred to on page 514, was adopted.

Senator Landis renewed his pending amendment, AM0417, found on page 575.

The Landis amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Beutler offered the following amendment:

AM0430

(Amendments to E & R amendments, AM7034)

- 1 1. On page 100, lines 21 and 22, strike "a
- 2 representative" and insert "two representatives"; and in line 25
- 3 after the period insert "The Nebraska representatives shall not
- 4 vote for or against any amendment to the agreement without first
- 5 receiving legislative approval of their action by legislative
- 6 resolution if the Legislature is in session or from the Executive
- 7 Board of the Legislative Council if the Legislature is not in
- 8 session.".

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

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Beutler	Erdman	Kruse	Price	Smith
Chambers	Foley	Preister	Schimek	Synowiecki

Voting in the negative, 34:

Aguilar	Connealy	Janssen	Mines	Stuhr
Brashear	Cudaback	Jensen	Mossey	Stuthman
Bromm	Cunningham	Johnson	Pedersen, Dw.	Thompson
Brown	Engel	Jones	Pederson, D.	Tyson
Burling	Friend	Kremer	Quandahl	Vrtiska
Byars	Hartnett	Landis	Raikes	Wehrbein
Combs	Hudkins	McDonald	Schrock	

Present and not voting, 3:

Baker	Bourne	Maxwell

Excused and not voting, 2:

Louden	Redfield

The Beutler amendment lost with 10 ayes, 34 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Landis offered the following amendment:

FA1165

(Amendments to E & R amendments, AM7034)

- 1 1. On page 100, lines 21 and 22, strike "a
- 2 representative" and insert "two representatives"

SPEAKER BROMM PRESIDING

The Landis amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 114. Placed on Select File as amended.

E & R amendment to LB 114:

AM7055

- 1 1. On page 2, line 17, after "section" insert an
- 2 underscored comma.

LEGISLATIVE BILL 257. Placed on Select File.

LEGISLATIVE BILL 331. Placed on Select File.

LEGISLATIVE BILL 52. Placed on Select File as amended.

E & R amendment to LB 52:

AM7056

- 1 1. Insert the following new section:
- 2 "Section 1. Section 16-6,109, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 16-6,109. The powers granted by sections 16-6,106 to
- 5 16-6,109 are independent of and in addition to all other grants of
- 6 powers on the same or related subjects but may be exercised
- 7 jointly with or supplemented by the powers granted by existing
- 8 legislation, including, but not limited to, sections 16-667 to
- 9 16-672.11, 16-680, 16-683, 16-693, 18-401 to 18-411, 18-501 to
- 10 18-512, 19-1305, ~~19-2408 to 19-2415~~, 23-320.07 to 23-320.13, and
- 11 31-501 to 31-553 and the Combined Improvement Act.".
- 12 2. On page 1, line 1; and page 5, line 8, after
- 13 "sections" insert "16-6,109,".
- 14 3. On page 2, line 21, after "combination" insert an
- 15 underscored period.
- 16 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 150. Placed on Select File.

LEGISLATIVE BILL 365. Placed on Select File as amended.

E & R amendment to LB 365:

AM7057

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 16-404, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 16-404. (1) All ordinances and resolutions or orders for
6 the appropriation or payment of money shall require for their
7 passage or adoption the concurrence of a majority of all members
8 elected to the council. The mayor may vote on any such matter when
9 his or her vote will provide the additional vote required to create
10 a number of votes equal to a majority of the number of members
11 elected to the council, and the mayor shall, for the purpose of
12 such vote, be deemed to be a member of the council.
13 (2) Ordinances of a general or permanent nature shall be
14 read by title on three different days unless three-fourths of the
15 council members vote to suspend this requirement, except that in a
16 city having a commission form of government such requirement may be
17 suspended by a three-fifths majority vote. Regardless of the form
18 of government, such requirement shall not be suspended for any
19 ordinance for the annexation of territory. In case such
20 requirement is suspended, the ordinances shall be read by title or
21 number and then moved for final passage. Three-fourths of the
22 council members may require a reading of any such ordinance in full
23 before enactment under either procedure set out in this section,
24 except that in a city having a commission form of government such
25 reading may be required by a three-fifths majority vote.
26 (3) Ordinances shall contain no subject which is not
27 clearly expressed in the title, and, except as provided in section
28 19-915, no ordinance or section thereof shall be revised or amended
29 unless the new ordinance contains the entire ordinance or section
30 as revised or amended and the ordinance or section so amended is
31 repealed, except that:
32 (a) ~~For~~ For an ordinance revising all the ordinances of
33 the city, the only title necessary shall be An ordinance of the
34 city of, revising all the ordinances of the city. Under
35 such title all the ordinances may be revised in sections and
36 chapters or otherwise, may be corrected, added to, and any part
37 suppressed, and may be repealed with or without a saving clause as
38 to the whole or any part without other title; and
39 (b) For an ordinance used solely to revise ordinances or
40 code sections or to enact new ordinances or code sections in order
41 to adopt statutory changes made by the Legislature which are
42 specific and mandatory and bring the ordinances or code sections
43 into conformance with state law, the title need only state that the
44 ordinance revises those ordinances or code sections affected by or
45 enacts ordinances or code sections generated by legislative
46 changes. Under such title, all such ordinances or code sections
47 may be revised, repealed, or enacted in sections and chapters or
48 otherwise by a single ordinance without other title.
49 Sec. 2. Section 17-614, Revised Statutes Supplement,

26 2002, is amended to read:

27 17-614. (1) All ordinances and resolutions or orders for
1 the appropriation or payment of money shall require for their
2 passage or adoption the concurrence of a majority of all members
3 elected to the council or board of trustees. Ordinances of a
4 general or permanent nature shall be read by title on three
5 different days unless three-fourths of the council or board vote to
6 suspend this requirement, except that such requirement shall not be
7 suspended for any ordinance for the annexation of territory. In
8 case such requirement is suspended, the ordinances shall be read by
9 title and then moved for final passage. Three-fourths of the
10 council or board may require a reading of any such ordinance in
11 full before enactment under either procedure set out in this
12 section.

13 (2) Ordinances shall contain no subject which is not
14 clearly expressed in the title, and, except as provided in section
15 19-915, no ordinance or section thereof shall be revised or amended
16 unless the new ordinance contains the entire ordinance or section
17 as revised or amended and the ordinance or section so amended is
18 repealed, except that: ~~for~~

19 (a) For an ordinance revising all the ordinances of the
20 city or village, the title need only state that the ordinance
21 revises all the ordinances of the city or village. Under such
22 title all the ordinances may be revised in sections and chapters or
23 otherwise, may be corrected, added to, and any part suppressed, and
24 may be repealed with or without a saving clause as to the whole or
25 any part without other title; and

26 (b) For an ordinance used solely to revise ordinances or
27 code sections or to enact new ordinances or code sections in order
1 to adopt statutory changes made by the Legislature which are
2 specific and mandatory and bring the ordinances or code sections
3 into conformance with state law, the title need only state that the
4 ordinance revises those ordinances or code sections affected by or
5 enacts ordinances or code sections generated by legislative
6 changes. Under such title, all such ordinances or code sections
7 may be revised, repealed, or enacted in sections and chapters or
8 otherwise by a single ordinance without other title.

9 Sec. 3. Original section 16-404, Reissue Revised
10 Statutes of Nebraska, and section 17-614, Revised Statutes
11 Supplement, 2002, are repealed."

12 2. On page 1, line 1, strike "of the second class"; in
13 line 2 after "section" insert "16-404, Reissue Revised Statutes of
14 Nebraska, and section"; and in line 4 strike "section" and insert
15 "sections".

Correctly Engrossed

The following bills were correctly engrossed: LBs 85, 85A, 131, 214, 216, 217, 333, and 333A.

ER9015

Enrollment and Review Change to LB 216

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 34, line 19, "of this section" has been inserted before "shall".

ER9012

Enrollment and Review Change to LB 217

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, AM0306, amendments 2 through 4 have been struck.

2. In the Quandahl amendment, AM0316:

- a. Amendments 3, 5, and 8 have been struck;

- b. On page 1, line 12, an underscored comma has been inserted after "8-127"; and in line 22 an underscored comma has been inserted after "institution"; and

- c. On page 2, line 23, "section" has been inserted after "to"; and the matter beginning with the second "strike" in line 25 through the semicolon in line 27 has been struck.

3. On page 1, line 1, "8-116.01," has been inserted after "sections"; in line 6 "8-208," has been struck.

4. On page 10, line 10, the second "its" has been struck and shown as stricken.

5. On page 68, line 19, "7, 9" has been struck and "8" inserted.

ER9014

Enrollment and Review Change to LB 333

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 23, line 14, the first "department" has been struck and "Department of Motor Vehicles" inserted.

2. On page 24, line 7, "all-terrain" has been inserted after "model".

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 37. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File.

LEGISLATIVE BILL 197. Placed on General File as amended.
Standing Committee amendment to LB 197:

AM0458

- 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 6, line 12, strike "\$34,380,203" and insert
- 5 "\$6,800,484".

LEGISLATIVE BILL 229. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 36. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

WHEREAS, in accordance with section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education plans for the replacement of storefront and windows for Harper, Schramm, and Smith Residence Halls at the University of Nebraska-Lincoln campus at an estimated cost of \$2,175,955 (the project) to be financed from the Replacement Fund of the 1986 Student Fees and Facilities Revenue Bonds; and

WHEREAS, the Coordinating Commission for Postsecondary Education has recommended approval of the project by the Legislature; and

WHEREAS, the Board of Regents has submitted the project to the Legislature for its approval in accordance with section 85-408.

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

1. That pursuant to section 85-408, the Legislature approves plans for the replacement of storefront and windows for Harper, Schramm, and Smith Residence Halls on the University of Nebraska-Lincoln campus at an estimated cost of \$2,175,955 to be financed from the Replacement Fund of the 1986 Student Fees and Facilities Revenue Bonds.

Laid over.

LEGISLATIVE RESOLUTION 37. Introduced by McDonald, 41; Schrock, 38; Jones, 43; Erdman, 47; Stuthman, 22; Cunningham, 40; Baker, 44.

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 economic development and social benefits to rural places and rural people.

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

1. That February 24, 2003, be declared Rural Education Day in Nebraska.

Laid over.

NOTICE OF COMMITTEE HEARING
Business and Labor
Room 2102

LB 256	Monday, March 3, 2003	1:30 p.m.
LB 435	Monday, March 3, 2003	1:30 p.m.
LB 750	Monday, March 3, 2003	1:30 p.m.
LB 701	Monday, March 3, 2003	1:30 p.m.
LB 343	Monday, March 3, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LR 14CA:
AM0475

- 1 1. On page 3, line 19, after "subsection" insert "or
- 2 within licensed racetrack enclosures"; and in line 23 after "zone"
- 3 insert "and within licensed racetrack enclosures".
- 4 2. On page 4, line 12, strike "and" and insert a comma;
- 5 and in line 13 after the comma insert "and within licensed
- 6 racetrack enclosures,".

SELECT FILE

LEGISLATIVE BILL 381. Senator Landis renewed the Redfield pending amendment, AM0406, found on page 566.

The Redfield 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.

LEGISLATIVE BILL 381A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 222. E & R amendment, AM7031, found on page 514, was adopted.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 205. E & R amendment, AM7029, found on page 520, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 66. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 66A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 55. Advanced to E & R for engrossment.

LEGISLATIVE BILL 119. E & R amendment, AM7032, found on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 138. E & R amendment, AM7030, found on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 194. E & R amendment, AM7033, found on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 195. Advanced to E & R for engrossment.

LEGISLATIVE BILL 199. Advanced to E & R for engrossment.

LEGISLATIVE BILL 128. Advanced to E & R for engrossment.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 130. E & R amendment, AM7038, found on page 544, was adopted.

Senator Landis offered the following amendment:
AM0468

- 1 1. On page 13, after line 17, insert the following new
- 2 subsections:
- 3 "(c) Each proceeding before the court is independent of
- 4 any other proceeding involving the same trust.

- 5 (d) Petitions for formal orders of the court may combine
 6 various requests for relief in a single proceeding if the orders
 7 sought may be finally granted without delay. Except as required
 8 for proceedings which are particularly described by other sections
 9 of the Nebraska Uniform Trust Code, no petition is defective
 10 because it fails to embrace all matters which might then be the
 11 subject of a final order.
 12 (e) A proceeding for appointment of a trustee is
 13 concluded by an order making or declining the appointment.
 14 (f) For purposes of this section, "proceeding" includes
 15 action at law and suit in equity."
 16 2. On page 40, after line 20, insert the following new
 17 subsection:
 18 "(c) Title to all trust property shall be owned by and
 19 vested in any successor trustee without any conveyance, transfer,
 20 or assignment by the prior trustee."
 21 3. On page 49, line 25, after the first comma insert
 22 "including from the trustee,".

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 218. E & R amendment, AM7251, found on page 544, was adopted.

Senator Quandahl renewed his pending amendment, AM0355, found on page 513.

The Quandahl amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Quandahl renewed his pending amendment, AM0416, found on page 565.

The Quandahl amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 102. Advanced to E & R for engrossment.

LEGISLATIVE BILL 185. Advanced to E & R for engrossment.

LEGISLATIVE BILL 186. E & R amendment, AM7035, found on page 545, was adopted.

Senator Beutler renewed his pending amendment, AM0347, found on page 513.

SENATOR CUDABACK PRESIDING

Senators Burling and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Beutler renewed his pending motion, found on page 569, to bracket LB 186 until April 1, 2003.

Senators Brashear, Engel, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Beutler requested a roll call vote on his motion to bracket.

Voting in the affirmative, 15:

Beutler	Connealy	Janssen	Preister	Synowiecki
Bourne	Foley	Kruse	Price	Thompson
Chambers	Hartnett	Landis	Schimek	Wehrbein

Voting in the negative, 26:

Aguilar	Cunningham	Jones	Pederson, D.	Tyson
Baker	Erdman	Kremer	Quandahl	Vrtiska
Bromm	Friend	McDonald	Schrock	
Brown	Hudkins	Mines	Smith	
Byars	Jensen	Mossey	Stuhr	
Combs	Johnson	Pedersen, Dw.	Stuthman	

Present and not voting, 3:

Cudaback	Maxwell	Raikes

Excused and not voting, 5:

Brashear	Burling	Engel	Louden	Redfield

The Beutler motion to bracket failed with 15 ayes, 26 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

Senator Beutler offered the following amendment:

AM0350

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 39-2603, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 39-2603. (1) Except as provided in subsection (2) of
- 6 this section, no ~~No~~ person shall locate or maintain a junkyard, any
- 7 portion of which is within one thousand feet of the nearest edge of
- 8 the right-of-way of any roadway of the Highway Beautification
- 9 Control System, interstate highway without obtaining a permit from
- 10 the department.
- 11 (2) Junkyards located in counties which have formally
- 12 adopted a comprehensive development plan and a zoning resolution
- 13 prohibiting the location of junkyards within one thousand feet of
- 14 the nearest edge of the right-of-way of any roadway of the Highway
- 15 Beautification Control System shall be exempt from the permit
- 16 requirements of sections 39-2601 to 39-2612.
- 17 Sec. 2. Original section 39-2603, Reissue Revised
- 18 Statutes of Nebraska, is repealed."

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beutler	Connealy	Kruse	Raikes	Wehrbein
Bourne	Foley	Landis	Schimek	
Bromm	Hartnett	Preister	Schrock	
Byars	Janssen	Price	Synowiecki	
Chambers	Jensen	Quandahl	Thompson	

Voting in the negative, 7:

Erdman	Mines	Pedersen, Dw. Tyson
Friend	Mossey	Smith

Present and not voting, 15:

Aguilar	Combs	Hudkins	Maxwell	Stuhr
Baker	Cudaback	Johnson	McDonald	Stuthman
Brown	Cunningham	Jones	Pederson, D.	Vrtiska

Excused and not voting, 6:

Brashear	Engel	Louden
Burling	Kremer	Redfield

The Beutler amendment lost with 21 ayes, 7 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Bromm and Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 13 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 371. E & R amendment, AM7036, found on page 545, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 53. Advanced to E & R for engrossment.

LEGISLATIVE BILL 181. E & R amendment, AM7039, found on page 545, was adopted.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 30A. 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 30, Ninety-eighth Legislature, First Session, 2003.

STANDING COMMITTEE REPORT **Health and Human Services**

LEGISLATIVE BILL 666. Placed on General File as amended.

Standing Committee amendment to LB 666:

AM0418

- 1 1. On page 2, line 12, after "(b)" insert "Emergency
- 2 medical service means an emergency medical service as defined in
- 3 section 71-5175;
- 4 (c)"; in line 13 after the semicolon insert

5 "(d) Health care practitioner facility means a health
6 care practitioner facility as defined in section 71-414;"; and in
7 line 14 strike "(c)", show as stricken, and insert "(e)".
8 2. On page 3, strike lines 12 through 23 and insert the
9 following new subsection:
10 "(4) Any person that acquires an automated external
11 defibrillator shall notify the local emergency medical service, if
12 any, of the existence, location, and type of the defibrillator
13 unless the defibrillator was acquired for use in a private
14 residence, a health care facility, or a health care practitioner
15 facility.".

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Kremer filed the following amendment to LB 250:
AM0476

(Amendments to Standing Committee amendments, AM0211)

1 1. Insert the following new amendment:
2 "2. On page 7, line 10, strike 'and' and show as
3 stricken; and in line 14 after 'areas' insert ' and
4 (9) A pharmacy as defined in section 71-425 if the
5 pharmacy only sells prepackaged pharmaceutical, medicinal, or
6 health supplement foods that are not potentially hazardous or foods
7 described in subdivision (1) of this section.".

Senator Jensen filed the following amendment to LB 45:
AM0469

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 71-5713, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 71-5713. The Department of Health and Human Services
6 Regulation and Licensure, ~~a local board of health, or any affected~~
7 ~~party or any local public health department as defined in section~~
8 ~~71-1626~~ may institute an action in any court with jurisdiction to
9 enjoin any violation of ~~section 71-5707~~ the Nebraska Clean Indoor
10 Air Act. Any interested person may report possible violations of
11 the act to such departments.
12 Sec. 2. Original section 71-5713, Reissue Revised
13 Statutes of Nebraska, is repealed."

Senator Cunningham filed the following amendment to LB 45:
AM0464

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 71-5709, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-5709. The proprietor or other person in charge of a
6 public place shall make reasonable efforts to prevent smoking in
7 the public place by:

8 (1) ~~Posting appropriate signs;~~

9 (2) ~~Arranging seating to provide a smoke free area;~~

10 (3) ~~Asking smokers to refrain from smoking upon request~~
11 ~~of a client or employee suffering discomfort from the smoke; or~~

12 (4) ~~Any other means which may be appropriate~~ all areas of
13 such place where smoking is prohibited.

14 Sec. 2. Section 71-5713, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-5713. The Department of Health and Human Services
17 Regulation and Licensure, ~~a local board of health, or any affected~~
18 ~~party or any local public health department as defined in section~~
19 ~~71-1626~~ may institute an action in any court with jurisdiction to
20 enjoin any violation of ~~section 71-5707~~ the Nebraska Clean Indoor
21 Air Act.

22 Sec. 3. Original sections 71-5709 and 71-5713, Reissue
23 Revised Statutes of Nebraska, are repealed."

UNANIMOUS CONSENT - Add Cointroducers

Senator Mossey asked unanimous consent to have his name added as cointroducer to LR 4CA. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 462. No objections. So ordered.

VISITORS

Visitors to the Chamber were Stefanie Soden from McCook, Lisa Kreifels from Nebraska City, and Kristin Petersen from Omaha; Chamber of Commerce members and the Lincoln County Leadership Group from North Platte; Terry, Deb, Matthew, and James Radar from Bridgeport; 42 fourth-grade students and teacher from Eagle; and the Bellevue Leadership Group from Bellevue.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Thompson, the Legislature adjourned until 9:00 a.m., Friday, February 21, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 21, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 2003

PRAYER

The prayer was offered by Pastor Mike Gruhn, Trinity Lutheran 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 Senator Redfield who was excused; and Senators Brashear, Brown, Hudkins, Kremer, Landis, Maxwell, Mossey, Dw. Pedersen, Quandahl, Raikes, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 186:
AM0349

- 1 1. On page 2, lines 8 and 11, after "Highways" insert
2 "or any scenic byway".
- 3 2. On page 3, lines 8 through 13, reinstate the stricken
4 matter; in lines 14 and 17 strike the new matter and reinstate the
5 stricken matter; and in line 23 after "highway" insert "or scenic
6 byway".
- 7 3. On page 4, lines 2, 7, 17, and 24; and page 5, line
8 7, after "highway" insert "or scenic byway".
- 9 4. On page 4, lines 10 and 11 and 14 and 15, strike the
10 new matter and reinstate the stricken matter.

Senator Beutler filed the following amendment to LB 186:
AM0348

- 1 1. Insert the following new section:

- 2 "Sec. 7. This act becomes operative on July 1, 2005."
- 3 2. Renumber the remaining section accordingly.

REPORTS

The following reports were received by the Legislature:

Boys Town National Research Hospital

Tobacco Settlement Biomedical Research Development Fund Progress Report

Coordinating Commission for Postsecondary Education

Revenue Bond Project Evaluation Form

Creighton University

Tobacco Settlement Biomedical Research Development Fund Progress Report

Environmental Quality, Department of

Litter Reduction and Recycling Grant Program 2002 Annual Report

University of Nebraska-Lincoln

Tobacco Settlement Biomedical Research Development Fund Progress Report

University of Nebraska Medical Center

Tobacco Settlement Biomedical Research Development Fund Progress Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 20, 2003, 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

American Communications Group, Inc.

Housing Excellence Coalition (Withdrawn 02/18/2003)

Blank, Robert

Nebraskans United For Life

Cover, Joni R.

Pharmacists Association, Nebraska

Cutshall & Associates

Kearney Area Chamber of Commerce

Elliott, Mary Jane

Health Care Association, Nebraska (Withdrawn 02/18/2003)

Hallstrom, Robert J.

Friends of Nebraska Nonprofit Hospitals

Intermill, Mark
AARP

Kissel/Erickson & Sederstrom Associates, L.L.C.
Midlands Choice

Landes II, Terry L.
Apartment Association of Greater Omaha

McBride, David S.
Health Underwriters, Nebraska Association of

Millea, Michael
AARP

Mischo, Craig
Bayer Health Care

Mueller, William J.
Commercial Property Owners, Nebraska Association of

Peterson, Alan E.
Property Owners Association

Rasmussen, Dennis
AirBoat Association, Nebraska

Ruth, Larry L.
Commercial Property Owners, Nebraska Association of

Vickers, Tom
Aquiculturist & Lake Managers, Nebraska
Coors Brewing Company

Watson, James S.
United HealthCare Corporation

Yost, Kurt T.
Sowers Club of Lincoln, Inc.

GENERAL FILE**LEGISLATIVE BILL 30A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 31A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 143A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 164A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

MOTION - Withdraw LR 32

Senator Vrtiska renewed his pending motion, found on page 581, to withdraw LR 32.

The Vrtiska motion to withdraw prevailed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

RESOLUTION**LEGISLATIVE RESOLUTION 36.** Read. Considered.

LR 36 was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 45. E & R amendment, AM7050, found on page 545, was adopted.

Senator Jensen withdrew his pending amendment, AM0469, found on page 597.

Senator Cunningham withdrew his pending amendment, AM0464, found on page 597.

Senators Jensen, Thompson, and Cunningham offered the following amendment:

AM0499

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 71-5709, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-5709. The proprietor or other person in charge of a

6 public place shall make reasonable efforts to prevent smoking and
 7 minimize the presence of environmental tobacco smoke in the public
 8 all nonsmoking areas of such place by:

- 9 (1) Posting appropriate signs;
 - 10 (2) Arranging seating to provide a ~~smoke-free~~ nonsmoking
 11 area;
 - 12 (3) Asking smokers to refrain from smoking ~~upon request~~
 13 ~~of a client or employee suffering discomfort from the smoke in the~~
 14 nonsmoking area; or
 - 15 (4) Any other ~~means which may be~~ appropriate means.
- 16 Sec. 2. Section 71-5713, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 71-5713. The Department of Health and Human Services
 19 Regulation and Licensure; ~~a local board of health, or any affected~~
 20 ~~party or a local public health department as defined in section~~
 21 71-1626 may institute an action in any court with jurisdiction to
 22 enjoin any violation of ~~section 71-5707 the Nebraska Clean Indoor~~
 23 Air Act. Any interested party may report possible violations of
 24 the act to such departments.

- 1 Sec. 3. Original sections 71-5709 and 71-5713, Reissue
- 2 Revised Statutes of Nebraska, are repealed."

The Jensen et al. 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 259. E & R amendment, AM7040, found on page 546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 2CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 319. E & R amendment, AM7052, found on page 546, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

Executive Board

LEGISLATIVE BILL 470. Placed on General File.

LEGISLATIVE RESOLUTION 3CA. Placed on General File as amended.

Standing Committee amendment to LR 3CA:

AM0491

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. At a special election to be held at the
4 statewide primary election in May 2004, the following proposed
5 amendment to the Constitution of Nebraska shall be submitted to the
6 electors of the State of Nebraska for approval 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 ~~when~~ where 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~~ of 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, sections 7 and 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 Compensation
15 Review Commission. The members of the commission shall be
16 appointed by the Governor. There shall be two members appointed
17 from each congressional district and three members from the state
18 at large. Members of the commission shall serve for terms of six
19 years, except that of the members initially appointed, one from
20 each of the congressional districts and one of the at-large members
21 shall be appointed for terms of two years. No more than five
22 members of the commission may belong to the same political party at
23 any one time, and no elected official or employee of the state or
24 any political subdivision or registered lobbyist may serve as a
25 member. The term of an existing member shall terminate on the date
26 a new member is appointed. A member may serve no more than two
27 terms on the commission and shall receive no compensation for the
1 performance of his or her duties but may be reimbursed for actual
2 and necessary expenses.

3 (2) The Compensation Review Commission shall review
4 compensation for members of the Legislature and submit a report to
5 the Governor and the Legislature recommending any adjustment to
6 such compensation the commission deems appropriate. The
7 Legislature may by legislative bill approve, disapprove, or reduce
8 the recommended adjustment but may not increase the recommended
9 adjustment. Adjustments shall not become effective until so
10 approved by the Legislature, and when so approved shall become
11 effective three calendar months following the end of the
12 legislative session in which the adjustments were approved. The
13 commission shall review and submit a report recommending any
14 adjustment to compensation every fourth year after the submission
15 of the original recommendation."

16 Sec. 2. The proposed amendment shall be submitted to the
17 electors in the manner prescribed by the Constitution of Nebraska,
18 Article XVI, section 1, with the following ballot language:

19 "A constitutional amendment to create the Compensation

20 Review Commission and to change provisions relating to
 21 compensation for members of the Legislature.
 22 For
 23 Against".

(Signed) L. Patrick Engel, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 54A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Ninety-eighth Legislature, First Session, 2003; to reduce an appropriation; and to declare an emergency.

LEGISLATIVE BILL 59A. 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 59, Ninety-eighth Legislature, First Session, 2003.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 451:
 AM0441

- 1 1. On page 10, line 20, strike "or"; and in line 21
- 2 after "(e)" insert "Actuarially required contributions pursuant to
- 3 subdivision (4)(b) of section 23-2317;
- 4 (f) Trustee-to-trustee transfers pursuant to section
- 5 23-2323.04; or
- 6 (g)".
- 7 2. On page 12, line 12, strike "shall" and insert "may".
- 8 3. On page 13, line 11; and page 67, line 25, strike "
- 9 An", show as stricken, and insert "or an".
- 10 4. On page 65, line 6, strike "or"; and in line 7 after
- 11 "(d)" insert "Actuarially required contributions pursuant to
- 12 subdivision (4)(b) of section 84-1319;
- 13 (e) Trustee-to-trustee transfers pursuant to section
- 14 84-1313.01; or
- 15 (f)".

GENERAL FILE

LEGISLATIVE BILL 219. Title read. Considered.

The Standing Committee amendment, AM0247, found on page 448, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 234. Title read. Considered.

Senator Beutler offered the following amendment:

AM0500

- 1 1. On page 2, line 17, after each comma insert "up to".

The Beutler amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Beutler offered the following amendment:

AM0501

- 1 1. On page 2, strike beginning with "reason" in line 6
2 through "establishes" in line 7 and insert "probable cause to
3 believe".

Senator Beutler withdrew his amendment.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 56. Title read. Considered.

The Standing Committee amendment, AM0157, found on page 448, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 537. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 228. Title read. Considered.

The Standing Committee amendment, AM0269, found on page 449, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SENATOR JANSSEN PRESIDING

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

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 228A. 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.

ANNOUNCEMENT

The Chair announced today is Senator Hudkins' birthday.

GENERAL FILE

LEGISLATIVE BILL 418. Title read. Considered.

The Standing Committee amendment, AM0224, found on page 450, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 157. Title read. Considered.

The Standing Committee amendment, AM0165, found on page 454, 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, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 160. Title read. Considered.

The Standing Committee amendment, AM0248, found on page 454, was

adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

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

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 559. Placed on General File as amended.
Standing Committee amendment to LB 559:
AM0496

- 1 1. Strike original sections 6 and 8.
- 2 2. On page 3, lines 3 and 9, strike "sections 6 to 8"
- 3 and insert "section 6".
- 4 3. On page 6, line 21, after "document" insert "for
- 5 consideration"; and strike beginning with the comma in line 22
- 6 through "treasurer" in line 24.
- 7 4. On page 12, line 2; and page 14, line 23, strike the
- 8 new matter and reinstate the stricken matter.
- 9 5. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

Agriculture

LEGISLATIVE BILL 180. Placed on General File as amended.
(Standing Committee amendment, AM0391, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Bob Kremer, Chairperson

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 234:
AM0502

- 1 1. On page 2, line 19, strike "shall" and insert "may".

Senator Beutler filed the following amendment to LB 234:
AM0503

- 1 1. On page 2, line 9, strike "Hearings" and insert
- 2 "Proceedings"; and strike beginning with "The" in line 13 through
- 3 the period in line 16.

Senator Synowiecki filed the following amendment to LB 143:

AM0460

- 1 1. On page 2, line 26, after "council" insert "but not
- 2 including wastewater treatment plants in cities of the metropolitan
- 3 class".
- 4 2. On page 3, line 5, after the comma insert "and for
- 5 wastewater treatment plants in cities of the metropolitan class".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Atkins, Sallie - State Fair Board - Agriculture (rereferred)

Kinsey, Jo - State Fair Board - Agriculture (rereferred)

Partsch, Frank - State Fair Board - Agriculture (rereferred)

Peetz, John - State Fair Board - Agriculture (rereferred)

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Senator Combs designates LB 607 as her priority bill.

MOTION - Print in Journal

Senator Johnson filed the following motion to LB 712:
Withdraw LB 712.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Friday, February 28, 2003

Gary Parker - Game and Parks Commission

1:30 p.m.

(Signed) Ed Schrock, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 73A. Introduced by Cunningham, 40.

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

aid in carrying out the provisions of Legislative Bill 73, Ninety-eighth Legislature, First Session, 2003.

LEGISLATIVE BILL 234A. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 234, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE BILL 250. Title read. Considered.

The Standing Committee amendment, AM0211, found on page 455, was considered.

Senator Kremer withdrew his pending amendment, AM0476, found on page 597.

The Standing Committee 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 25 ayes, 0 nays, 21 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.

LEGISLATIVE BILL 273. Title read. Considered.

The Standing Committee amendment, AM0249, found on page 455, was adopted with 34 ayes, 0 nays, 12 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.

Senators Brashear and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 274. Title read. Considered.

The Standing Committee amendment, AM0258, found on page 456, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers offered the following amendment:

AM0506

- 1 1. Insert the following new sections:
- 2 "Sec. 5. Section 54-626, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 54-626. For purposes of the Commercial Dog and Cat
- 5 Operator Inspection Act:
- 6 (1) Boarding kennel means a facility which is primarily
- 7 used to house or contain dogs or cats owned by persons other than
- 8 the operator of such facility. The primary function of a boarding
- 9 kennel is to temporarily harbor dogs or cats when the owner of the
- 10 dogs or cats is unable to do so or to provide training, grooming,
- 11 or other nonveterinary service for consideration before returning
- 12 the dogs or cats to the owner. A facility which houses or contains
- 13 thirty or less dogs or cats in a twelve-month period is not a
- 14 boarding kennel. Veterinary clinics, animal control facilities,
- 15 and nonprofit animal shelters are not boarding kennels for the
- 16 purposes of the act;
- 17 (2) Cat means any animal which is wholly or in part of
- 18 the species *Felis domesticus*;
- 19 (3) Commercial breeder means any person (a) engaged in
- 20 the business of breeding dogs or cats and (b) who sells, exchanges,
- 21 or leases dogs or cats in return for consideration or who offers to
- 22 do so, whether or not the dogs or cats are bred, raised, trained,
- 23 groomed, or boarded by such person. A person who owns or harbors
- 24 three or less unaltered dogs or cats for breeding purposes which
- 1 are at least six months of age shall not be a commercial breeder.
- 2 A person who sells, exchanges, or leases thirty or less
- 3 dogs or cats in a twelve-month period shall not be a commercial
- 4 breeder if all such dogs or cats are sold, exchanged, or leased to
- 5 a final owner rather than for later retail sale or brokered
- 6 trading. A person knowingly selling, exchanging, or leasing any
- 7 dogs or cats for later retail sale or for brokered trading shall be
- 8 classified as a commercial breeder;
- 9 (4) Dealer means any person who is not a commercial
- 10 breeder or a pet shop but is engaged in the business of buying for
- 11 resale or selling or exchanging dogs or cats as a principal or
- 12 agent or who claims to be so engaged. A person who purchases,
- 13 sells, exchanges, or leases thirty or less dogs or cats in a
- 14 twelve-month period is not a dealer;
- 15 (5) Department means the Bureau of Animal Industry of the
- 16 Department of Agriculture with the State Veterinarian in charge,
- 17 subordinate only to the director;
- 18 (6) Director means the Director of Agriculture or his or
- 19 her designated employee;
- 20 (7) Dog means any animal which is wholly or in part of
- 21 the species *Canis familiaris*;
- 22 (8) Housing facility means any room, building, or areas
- 23 used to contain a primary enclosure;

24 (9) Inspector means any person who is employed by the
25 department and who is authorized to perform inspections pursuant to
26 the act;

27 (10) Licensee means a person who has qualified for and
1 received a license from the department pursuant to the act;

2 (11) Pet shop means a retail establishment whose primary
3 function is to sell companion animals and related supplies and
4 where such animals are bought, sold, exchanged, given away,
5 raffled, or offered for raffle or retail sale to the general
6 public;

7 (12) Primary enclosure means any structure used to
8 immediately restrict a dog or cat to a limited amount of space,
9 such as a room, pen, cage, or compartment;

10 (12) (13) Secretary of Agriculture means the Secretary of
11 Agriculture of the United States Department of Agriculture; and

12 (13) (14) Unaltered means any male or female dog or cat
13 which has not been neutered or spayed or otherwise rendered
14 incapable of reproduction.

15 Sec. 6. Section 54-627, Revised Statutes Supplement,
16 2002, is amended to read:

17 54-627. (1) Beginning April 1, 2001, a person shall not
18 operate as a commercial breeder, a dealer, or a boarding kennel
19 unless the person obtains the appropriate license as a commercial
20 breeder, dealer, or boarding kennel. Beginning January 1, 2004, a
21 person shall not operate as a pet shop unless the person obtains a
22 license as a pet shop. An applicant for a license shall submit an
23 application for the appropriate license to the department, on a
24 form prescribed by the department, together with a nonreturnable
25 license fee. Such fee shall be one hundred dollars. The license
26 fee shall be paid annually. Additionally, the department may
27 conduct an inspection of the facilities and sanitation and
1 confinement practices of the applicant or any other practices that
2 may affect the humane treatment of dogs and cats. Upon receipt of
3 the application and initial license fee, the appropriate license
4 may be issued by the department. Such license shall not be
5 transferable to another person or location.

6 (2) A license to operate as a commercial breeder, a
7 license to operate as a dealer, ~~or~~ a license to operate as a
8 boarding kennel, or a license to operate as a pet shop shall be
9 renewed by filing with the department at least thirty days prior to
10 April 1 of each year a renewal application and the annual license
11 fee. Failure to renew a license prior to the expiration of the
12 license shall result in an additional fee of twenty dollars
13 required upon application to renew such license.".

14 2. Renumber the remaining section and correct the
15 repealer accordingly.

Senators Jensen and Tyson asked unanimous consent to be excused. No
objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Chambers amendment was adopted with 28 ayes, 8 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

MOTION - Suspend Rules

Senator Baker offered the following motion to LB 712:
Suspend Rule 3, Section 13, to permit cancellation of the public hearing by the Transportation and Telecommunications Committee on LB 712.

The Baker motion to suspend the rules prevailed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 94. Placed on Select File as amended.
(E & R amendment, AM7058, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 143. Placed on Select File.

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendment to LB 164:
AM7060

- 1 1. On page 1, line 6, strike "terms; to provide a power"
- 2 and insert "a term; to provide for and change provisions relating
- 3 to grants to municipalities".

LEGISLATIVE BILL 54. Placed on Select File as amended.
E & R amendment to LB 54:
AM7059

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 71-1904, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 71-1904. (1) The department shall adopt and promulgate
- 6 rules and regulations pursuant to sections 71-1901 to 71-1906.01
- 7 for ~~(1)~~ (a) the proper care and protection of children by licensees
- 8 under such sections, ~~(2)~~ (b) the issuance, suspension, and

9 revocation of licenses to provide foster care, ~~(3)~~ (c) the
10 issuance, suspension, and revocation of probationary licenses to
11 provide foster care, ~~(4)~~ (d) the issuance, suspension, and
12 revocation of provisional licenses to provide foster care, ~~(5)~~ (e)
13 the provision of training in foster care, which training shall be
14 directly related to the skills necessary to care for children in
15 need of out-of-home care, including, but not limited to, abused,
16 neglected, dependent, and delinquent children, and ~~(6)~~ (f) the
17 proper administration of sections 71-1901 to 71-1906.01.
18 (2) The training required by subdivision ~~(5)~~ (1)(e) of
19 this section shall be between twelve and twenty-four hours as
20 determined by the department may be waived by the department for
21 persons operating foster homes providing care only to relatives of
22 the foster care provider. Such waivers shall be granted on a
23 case-by-case basis upon assessment by the department of the
24 appropriateness of the relative foster care placement. The
1 department shall report annually to the Health and Human Services
2 Committee of the Legislature the number of waivers granted under
3 this subsection and the total number of children placed in relative
4 foster homes.
5 Sec. 2. Original section 71-1904, Revised Statutes
6 Supplement, 2002, is repealed.
7 Sec. 3. Since an emergency exists, this act takes effect
8 when passed and approved according to law."
9 2. On page 1, line 2, after "to" insert "eliminate and".

LEGISLATIVE BILL 443. Placed on Select File as amended.

E & R amendment to LB 443:

AM7061

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 77-414, Revised Statutes Supplement,
4 2002, is amended to read:
5 77-414. The Property Tax Administrator shall:
6 (1) Establish, implement, and maintain a required system
7 of educational courses for the certification and recertification
8 ~~for of all county assessors~~ holders of county assessor
9 certificates; and
10 (2) Establish the required educational standards and
11 criteria for certification and recertification of all holders of
12 county assessor certificates.
13 In order to promote compliance with the requirements of
14 this section, the Property Tax Administrator shall adopt and
15 promulgate, and from time to time amend or revise, rules and
16 regulations containing the necessary educational standards and
17 criteria for certification and recertification.
18 Sec. 2. Section 77-415, Revised Statutes Supplement,
19 2002, is amended to read:
20 77-415. The Property Tax Administrator shall, between

21 January 15 and March 15, prepare and administer an annual course of
22 training which shall be attended by ~~all~~ county assessors and state
23 employees carrying out the duties of county assessors and may be
24 attended by members of the county board of equalization from each
1 county in the state. Such course shall be designed to impart a
2 thorough knowledge of the methods for the valuation of real and
3 tangible personal property and to develop the essential
4 administrative skills for the proper discharge of the duties of
5 such offices. The county assessor may designate an employee of his
6 or her office to attend the course on his or her behalf. The
7 county assessor may, in writing, request permission not to attend
8 or send an employee to attend the course. The request shall be
9 addressed to the Property Tax Administrator thirty days prior to
10 the date of the course and specify the reasons why the official or
11 an employee cannot attend. The Property Tax Administrator may
12 waive the thirty-day requirement for good cause shown. The Property
13 Tax Administrator shall, in writing, grant or deny the request
14 within ten days after receipt.

15 This section terminates on January 1, 2005.

16 Sec. 3. Section 77-417, Revised Statutes Supplement,
17 2002, is amended to read:

18 77-417. The necessary expenses for travel, meals, and
19 lodging incurred in attending any course of training provided for
20 in sections 77-415 to 77-420 shall be paid from the county general
21 fund for county assessors and from the Department of Property
22 Assessment and Taxation Cash Fund for state employees carrying out
23 the duties of county assessors. Mileage reimbursements shall be
24 computed at the rate provided in section 81-1176. All other costs
25 of conducting the course of training under section 77-415 shall be
26 paid by the Department of Property Assessment and Taxation.

27 This section terminates on January 1, 2005.

1 Sec. 4. Section 77-420, Revised Statutes Supplement,
2 2002, is amended to read:

3 77-420. In cooperation with the county assessors
4 association, the Property Tax Administrator may arrange and conduct
5 seminars in assessment methods, which seminars shall be
6 supplementary to ~~the course of training required by section 77-415~~
7 any educational course required under section 77-414.

8 Sec. 5. Section 77-422, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-422. (1) Upon the successful completion of the
11 examination by the applicant, a county assessor certificate shall
12 be issued to him or her.

13 (2) The Property Tax Administrator shall establish a
14 system for revocation or suspension of a certificate for failure to
15 maintain the educational standards and criteria and shall have the
16 power to revoke the certificate if the certificate holder has not
17 successfully met the educational requirements in section 77-414.

18 (3) Any person whose certificate has been revoked or

19 suspended may appeal the decision of the Property Tax
20 Administrator, and the appeal shall be in accordance with the Tax
21 Equalization and Review Commission Act.
22 Sec. 6. Original section 77-422, Reissue Revised
23 Statutes of Nebraska, and sections 77-414, 77-415, 77-417, and
24 77-420, Revised Statutes Supplement, 2002, are repealed."
25 2. On page 1, strike beginning with "sections" in line 1
26 through line 5 and insert "section 77-422, Reissue Revised Statutes
27 of Nebraska, and sections 77-414, 77-415, 77-417, and 77-420,
1 Revised Statutes Supplement, 2002; to change provisions relating to
2 educational standards, expenses, and certification of holders of
3 county assessor certificates; to provide powers and duties; to
4 provide termination dates for courses of training and related
5 expenses; to harmonize provisions; and to repeal the original
6 sections."

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 461. Placed on General File.

LEGISLATIVE BILL 548. Placed on General File.

LEGISLATIVE BILL 153. Placed on General File as amended.
Standing Committee amendment to LB 153:
AM0473

1 1. Strike the original section and insert the following
2 new section:
3 "Section 1. (1) The Legislature finds that the number of
4 people voting in recent years has steadily decreased and that
5 voting is a core principle of democracy. Therefor it is the intent
6 of the Legislature to establish the Vote Nebraska Initiative to
7 examine why citizens are not voting and what the state can do to
8 encourage voter turnout.
9 (2) The Vote Nebraska Initiative is created. The members
10 of the initiative shall examine why voter turnout continues to
11 decline, what voter education resources exist, what resources could
12 be established to engage the voter and encourage voter turnout
13 among minority and young voters, what roles the media and schools
14 play in voter education, and what the media and schools can do to
15 increase voter education.
16 (3) The Vote Nebraska Initiative shall consist of the
17 following members:
18 (a) The Secretary of State;
19 (b) The Chairperson of the Government, Military and
20 Veterans Affairs Committee of the Legislature;
21 (c) Two individuals employed by the media, one appointed
22 by the Nebraska Broadcasters Association, and one appointed by the

23 Nebraska Press Association;

24 (d) Two members of minority communities appointed by the

1 Secretary of State;

2 (e) Up to three residents of Nebraska appointed by the

3 Secretary of State;

4 (f) Three teachers employed by public schools who have a

5 background in teaching social studies appointed by the Commissioner

6 of Education, one employed by an elementary school, one employed by

7 a middle school, and one employed by a high school;

8 (g) One representative of postsecondary education with a

9 background in political science appointed by the Secretary of

10 State;

11 (h) A member of the League of Women Voters appointed by

12 the league;

13 (i) Three election commissioners or county clerks

14 appointed by the Secretary of State;

15 (j) One member of the Democratic Party appointed by the

16 state chairperson of the Democratic Party; and

17 (k) One member of the Republican Party appointed by the

18 state chairperson of the Republican Party.

19 (4) The members of the Vote Nebraska Initiative shall

20 meet within sixty days after the effective date of this act and

21 elect a chairperson from among the members. For administrative and

22 budgetary purposes, the initiative shall be located in the office

23 of the Secretary of State. Members shall be reimbursed for their

24 actual and necessary expenses as provided in sections 81-1174 to

25 81-1177.

26 (5) The Vote Nebraska Initiative report with

27 recommendations to the Legislature shall be issued by December 31,

1 2004. This section terminates upon issuance of the report.".

LEGISLATIVE BILL 307. Placed on General File as amended.

Standing Committee amendment to LB 307:

AM0472

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Section 81-1347, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 81-1347. The Director of Personnel or such director's

6 designated representative is hereby directed to develop and adopt

7 rules and regulations in accordance with sections 81-1346 to

8 81-1354 for the administration of an employee suggestion system.

9 ~~Such rules shall provide for the direct submission of all~~

10 ~~suggestions to~~ Consideration of a suggestion shall begin when an

11 ~~eligible employee contacts the director or the director's~~

12 ~~designated representative~~ with a qualifying suggestion. The

13 ~~employee shall supply and the director or the director's designated~~

14 ~~representative shall record the employee's name, the date and exact~~

15 ~~time of day the suggestion is submitted, and a brief description of~~

16 the suggestion. ~~The and shall provide that the names of~~
 17 ~~individuals~~ employees who ~~made~~ make suggestions shall be kept
 18 confidential unless ~~such person the employee~~ is granted an award
 19 under sections 81-1346 to 81-1354.

20 Sec. 2. Section 81-1347.01, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 81-1347.01. The Director of Personnel shall prepare and
 23 annually transmit a report detailing the operations of the employee
 24 suggestion system, including an accounting of all awards granted,
 1 whether the accepted suggestions were implemented, the number of
 2 suggestions submitted, and the number of suggestions declined. The
 3 reason for each suggestion declined shall be recorded, and any
 4 other information deemed appropriate by the director and the
 5 Governor.

6 Sec. 3. Section 81-1354, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 81-1354. No employee making a suggestion that requires
 9 legislative enactment, concerns the subject matter of laws or rules
 10 and regulations, or concerns policies already implemented or which
 11 are in the process of implementation by the agency shall be
 12 eligible for any an award under sections 81-1346 to 81-1354.

13 Sec. 4. Original sections 81-1347, 81-1347.01, and
 14 81-1354, Reissue Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 529. Placed on General File as amended.
 Standing Committee amendment to LB 529:
 AM0504

1 1. Insert the following new sections:
 2 "Sec. 2. Section 23-156, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 23-156. The county board of ~~county~~ commissioners at its
 5 regular meeting in January of each year shall elect a ~~chairman~~
 6 chairperson of the board to serve for the ensuing year, and such
 7 ~~chairman~~ chairperson shall sign all warrants on the treasurer for
 8 money to be paid out of the county treasury.
 9 If a commissioner is absent from more than five
 10 consecutive regular meetings of the county board and the absences
 11 are not excused by a majority vote of the remaining commissioners,
 12 the commissioner may be removed from office, after notice and a
 13 hearing, and that position shall be vacant.
 14 Sec. 3. Section 23-272, Reissue Revised Statutes of
 15 Nebraska, is amended to read:
 16 23-272. The regular meetings of the county board of
 17 supervisors shall be held on the second Tuesday in January and
 18 periodically thereafter as determined by the county board. If a
 19 supervisor is absent from more than five consecutive regular
 20 meetings of the county board and the absences are not excused by a
 21 majority vote of the remaining supervisors, the supervisor may be
 22 removed from office, after notice and a hearing, and that position

23 shall be vacant.".

24 2. On page 3, line 11, after "23-150" insert ", 23-156,
1 23-272,".

2 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 755. Placed on General File as amended.
Standing Committee amendment to LB 755:
AM0470

1 1. Strike original sections 12, 15, 16, and 25.

2 2. On page 2, strike beginning with the last "and" in
3 line 5 through "District" in line 7.

4 3. On page 3, strike beginning with "To" in line 12
5 through "(c)" in line 14; in line 16 strike "(d)" and insert "(c)";
6 in line 18 strike "(e)" and insert "(d)"; in line 19 after the
7 semicolon insert "and"; in line 20 strike "(f)" and insert "(e)";
8 and strike beginning with the semicolon in line 23 through
9 "district" in line 27.

10 4. On page 4, strike beginning with the comma in line 3
11 through the comma in line 5; strike beginning with "or" in line 17
12 through "commission" in line 18; strike beginning with "or" in line
13 22 through "commission" in line 24; and strike beginning with the
14 first comma in line 27 through line 28 and insert an underscored
15 semicolon.

16 5. On page 5, strike line 1; and in lines 14 through 17
17 and 21 through 24, strike beginning with the comma through
18 "commission".

19 6. On page 6, line 28, after the last comma insert
20 "and".

21 7. On page 7, line 1, strike ", and parking areas";
22 strike beginning with "parking" in line 2 through "District" in
23 line 3 and insert "future building needs for the State Capitol and
24 capitol grounds"; strike beginning with "Parking" in line 10
1 through the period in line 14; and strike beginning with
2 "buildings" in line 15 through "commission" in line 17 and insert
3 "capitol grounds".

4 8. On page 8, line 3, strike "ground" and insert
5 "grounds"; strike beginning with the first comma in line 10 through
6 "commission" in line 12; and strike beginning with the comma in
7 line 16 through the comma in line 18.

8 9. On page 9, line 4, strike "prima facie"; strike
9 beginning with "Violation" in line 5 through line 6; and strike
10 beginning with the comma in line 16 through "commission" in line
11 19.

12 10. On page 11, strike beginning with the comma in line
13 15 through "Commission" in line 17.

14 11. On page 12, strike beginning with the second comma
15 in line 18 through "Commission" in line 21 and insert "and capitol
16 grounds".

17 12. On page 19, line 24, strike the new matter and

18 reinstate the stricken matter.

19 13. On page 25, lines 8 and 9, reinstate the stricken
20 "the" through the comma; and in line 18 reinstate the stricken
21 matter.

22 14. On page 28, lines 20 and 28; page 29, line 7; and
23 page 30, lines 11 and 24, reinstate the stricken matter.

24 15. On page 29, line 6, reinstate the second stricken
25 comma; in line 25 strike "prima facie" and show as stricken; and
26 strike beginning with "Violation" in line 26 through line 27 and
27 show as stricken.

1 16. On page 32, line 24, after the comma insert "the
2 Director of the Nebraska State Historical Society."; and in lines
3 24 through 28 reinstate the stricken matter.

4 17. On page 33, lines 1 through 6, strike the new matter
5 and reinstate the stricken matter.

6 18. On page 37, line 4, strike "81-1108.26,"; and in
7 line 6 strike "72-2101, 72-2102,".

8 19. Renumber the remaining sections and correct internal
9 references accordingly.

LEGISLATIVE BILL 115. Indefinitely postponed.

LEGISLATIVE BILL 433. Indefinitely postponed.

LEGISLATIVE BILL 647. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 14CA. Placed on General File.

LEGISLATIVE RESOLUTION 11CA. Placed on General File as amended.

Standing Committee amendment to LR 11CA:
AM0298

1 1. On page 2, lines 11 through 15, strike the new matter
2 and insert "The Legislature may authorize and regulate casino-style
3 gaming. Such casino-style gaming shall include games of chance
4 played for money, credit, or any representative of value using
5 cards, dice, equipment, player-activated electronic, video, or
6 mechanical gaming devices, and other methods authorized by the
7 Legislature.".

8 2. On page 3, line 3, strike "games of chance" and
9 insert "casino-style gaming".

(Signed) Ray Janssen, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 149. Placed on General File as amended.

Standing Committee amendment to LB 149:

AM0493

- 1 1. On page 3, line 15, after "Services" insert "and the
- 2 State Treasurer".

(Signed) Elaine Stuhr, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 65:

AM0378

(Amendments to Standing Committee amendments, AM0271)

- 1 1. On page 1, line 10, after "required" insert "for an
- 2 application".

Senator Quandahl filed the following amendment to LB 333:

AM0481

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 18. (1) Any security interest in an all-terrain
- 3 vehicle or minibike perfected pursuant to article 9, Uniform
- 4 Commercial Code, before, on, or after January 1, 2004, shall
- 5 continue to be perfected until (a) the financing statement
- 6 perfecting such security interest is terminated or lapses in the
- 7 absence of the filing of a continuation statement pursuant to
- 8 article 9, Uniform Commercial Code, or (b) an all-terrain vehicle
- 9 or minibike certificate of title is issued and a lien noted on the
- 10 face thereof pursuant to section 17 of this act.
- 11 (2) Any lien noted on the face of an all-terrain vehicle
- 12 or minibike certificate of title pursuant to subsection (1), (3),
- 13 or (4) of this section, on behalf of the holder of a security
- 14 interest in the all-terrain vehicle or minibike which was
- 15 previously perfected pursuant to article 9, Uniform Commercial
- 16 Code, shall have priority as of the date such security interest was
- 17 originally perfected.
- 18 (3) The holder of a certificate of title for an
- 19 all-terrain vehicle or minibike shall, upon request, surrender the
- 20 certificate of title to a holder of a previously perfected security
- 21 interest in the all-terrain vehicle or minibike to permit notation
- 22 of a lien on the certificate of title and shall do such other acts
- 23 as may be required to permit such notation.
- 1 (4) If the owner of an all-terrain vehicle or minibike
- 2 subject to a security interest perfected pursuant to article 9,
- 3 Uniform Commercial Code, fails or refuses to obtain a certificate
- 4 of title after January 1, 2004, the security interest holder may
- 5 obtain a certificate of title in the name of the owner of the
- 6 all-terrain vehicle or minibike following the procedures of section
- 7 6 of this act and may have a lien noted on the certificate of title
- 8 pursuant to section 17 of this act.

- 9 (5) The assignment, release, or satisfaction of a
10 security interest in an all-terrain vehicle or minibike shall be
11 governed by the laws under which it was perfected.".
12 2. On page 16, line 18, strike "The" and insert "Except
13 as provided in section 18 of this act, the"; and in line 23 after
14 "minibike" insert "for which a certificate of title has been
15 issued".
16 3. Renumber the remaining sections and correct internal
17 references accordingly.

Senator Landis filed the following amendment to LB 148:
AM0508

- 1 1. On page 22, lines 18 and 19 and 21, strike the new
2 matter and reinstate the stricken matter; and in line 24 strike
3 "appropriate state official or agency" and insert "Attorney
4 General".

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 554:

Place LB 554 on General File notwithstanding the action of the committee pursuant to Rule 3 Section 17.

ANNOUNCEMENT

Senator Beutler designates LB 435 as his priority bill.

NOTICE OF COMMITTEE HEARING Transportation and Telecommunications Room 1113

LB 712 Monday, February 24, 2003 (cancel)

1:30 p.m.

(Signed) Tom Baker, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LR 15CA. No objections. So ordered.

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 273 and LB 274. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 234 and LB 418. No objections. So ordered.

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 607. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 279. No objections. So ordered.

VISITORS

Visitors to the Chamber were Luke Whitmore from Lincoln; 22 eighth-grade students and teacher from Helen Hyatt Elementary School, Lincoln; Senator Burling's daughter and granddaughter, Darla and Trina Knight, from Hastings; Senator Price's granddaughter, Amanda Godemann, from Lincoln; 36 fourth-grade students and teachers from Louisville; Boy Scout Troop 164 from Dodge County; Senator Tyson's daughter and grandchildren, Beth, William, and Maggie Goldhammer, and Nathan Elling from Hebron; and Trevor, Peyton, and Jerry Hinn from Rushville.

ADJOURNMENT

At 12:09 p.m., on a motion by Senator Synowiecki, the Legislature adjourned until 9:00 a.m., Monday, February 24, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 24, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 2003

PRAYER

The prayer was offered by Pastor Ken Hutson, United Church of Sumner, Sumner, 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 Beutler, Brashear, Brown, Combs, Engel, Hartnett, Kremer, Price, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

ANNOUNCEMENTS

Senator Baker designates LB 479 as his priority bill.

The Business and Labor Committee designates LB 197 as its priority bill.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems
Room 1525

LB 514	Wednesday, March 5, 2003	12:15 p.m.
LB 773	Wednesday, March 5, 2003	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

MOTION - Withdraw LB 712

Senator Johnson renewed his pending motion, found on page 610, to withdraw LB 712.

The Johnson motion to withdraw prevailed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 37. Read. Considered.

LR 37 was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 226. Title read. Considered.

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

Senator Redfield renewed her pending amendment, AM0381, found on page 566.

Senators Landis and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

The Redfield amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Senator Redfield offered the following amendment:

AM0514

- 1 1. On page 2, line 7, after the period insert "It is not
- 2 a violation of this section for an agreement to be made between a
- 3 labor organization and an employer stating that an employee shall
- 4 pay for his or her pro rata share of the representation actual
- 5 legal fees and court costs incurred by the labor organization in a
- 6 grievance or legal action if the employee has the choice to pursue
- 7 representation independent of representation by the labor
- 8 organization for such grievance or legal action.".

Senator Redfield withdrew her amendment.

Senator Redfield offered the following amendment:

AM0516

- 1 1. On page 2, line 1, before "If" insert "(1)"; and in
- 2 line 7, after the period insert "(2) An agreement between an
- 3 employer and a labor organization which incorporates subsection (1)
- 4 of this section does not violate Article XV, section 13, of the
- 5 Constitution of Nebraska, if the employee has the choice to pursue
- 6 independent representation for any grievance or legal action.".

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

Senator Redfield moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Redfield amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

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

Senator Tyson offered the following motion:
Indefinitely postpone.

Senator Tyson moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Senator Tyson requested a roll call vote, in reverse order, on his motion to indefinitely postpone.

Voting in the affirmative, 17:

Baker	Erdman	Kremer	Smith	Vrtiska
Brashear	Jensen	McDonald	Stuhr	
Burling	Johnson	Mines	Stuthman	
Cunningham	Jones	Pederson, D.	Tyson	

Voting in the negative, 26:

Aguilar	Cudaback	Kruse	Preister	Thompson
Beutler	Foley	Landis	Quandahl	Wehrbein
Bourne	Friend	Louden	Redfield	
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	Mossey	Schrock	
Connealy	Janssen	Pedersen, Dw.	Synowiecki	

Excused and not voting, 6:

Bromm	Combs	Price
Brown	Engel	Raikes

The Tyson motion to indefinitely postpone failed with 17 ayes, 26 nays, and 6 excused and not voting.

The Chair declared the call raised.

Senator Redfield moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

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

Voting in the affirmative, 24:

Aguilar	Connealy	Janssen	Mossey	Schimek
Beutler	Cudaback	Kruse	Pedersen, Dw.	Synowiecki
Bourne	Friend	Landis	Preister	Thompson
Byars	Hartnett	Louden	Quandahl	Wehrbein
Chambers	Hudkins	Maxwell	Redfield	

Voting in the negative, 18:

Baker	Erdman	Jones	Pederson, D.	Tyson
Brashear	Foley	Kremer	Smith	Vrtiska
Cunningham	Jensen	McDonald	Stuhr	
Engel	Johnson	Mines	Stuthman	

Present and not voting, 2:

Burling	Schrock

Excused and not voting, 5:

Bromm	Brown	Combs	Price	Raikes

Failed to advance to E & R for review with 24 ayes, 18 nays, 2 present and not voting, and 5 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.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 524. Placed on Select File as amended.

E & R amendment to LB 524:

AM7064

- 1 1. On page 2, line 18; page 3, line 28; and page 12,
- 2 line 4, after "year" insert an underscored comma.
- 3 2. On page 3, line 27, strike "such", show as stricken,
- 4 and insert "the" and after "report" insert "under section 21-301".
- 5 3. On page 4, strike beginning with "Except" in line 9
- 6 through the first "the" in line 10, show as stricken, and insert
- 7 "The".

- 8 4. On page 7, line 24; and page 17, line 12, strike
9 "annual" and show as stricken.

LEGISLATIVE BILL 60. Placed on Select File as amended.

E & R amendment to LB 60:

AM7062

- 1 1. On page 1, line 4, after the semicolon insert "to
2 harmonize provisions;"

LEGISLATIVE BILL 61. Placed on Select File as amended.

E & R amendment to LB 61:

AM7063

- 1 1. On page 8, line 12, after "by" insert "the".
2 2. On page 9, line 16, after "functions" insert an
3 underscored comma.
4 3. On page 13, line 6, after "agent" insert an
5 underscored comma.
6 4. On page 19, line 25, strike "members", show as
7 stricken, and insert "a member".
8 5. On page 21, line 16, strike "board's" and insert
9 "body's".

LEGISLATIVE BILL 561. Placed on Select File.

LEGISLATIVE BILL 562. Placed on Select File as amended.

E & R amendment to LB 562:

AM7066

- 1 1. On page 1, strike beginning with "commercial" in line
2 1 through line 12 and insert "the Motor Vehicle Operator's License
3 Act; to amend sections 60-4,131, 60-4,138, 60-4,156, 60-4,168.01,
4 and 60-4,172, Reissue Revised Statutes of Nebraska, and sections
5 29-3608, 60-462, 60-483, 60-487, 60-4,112, 60-4,132, 60-4,137,
6 60-4,141.01, 60-4,142, 60-4,144, and 60-4,168, Revised Statutes
7 Supplement, 2002; to change issuance requirements for licenses and
8 permits; to define and redefine terms; to provide for a school bus
9 endorsement; to provide additional reasons for disqualification of
10 drivers and cancellation, revocation, and suspension of licenses;
11 to provide for a waiver of the commercial driving skills test; to
12 provide reporting and notice requirements and other duties for the
13 Director of Motor Vehicles and the Department of Motor Vehicles; to
14 provide for applicability of federal regulations; to change".
15 2. On page 2, lines 5 and 12; page 6, line 4; and page
16 8, lines 5 and 21, strike "17" and insert "18".
17 3. On page 6, line 9, strike "privileges" and insert
18 "privilege"; and in line 20 after "intermittent" insert an
19 underscored comma.
20 4. On page 8, line 6, after "the" insert "federal"; and
21 in line 7 after the last comma insert "the federal".
22 5. On page 10, line 27, strike "The loading" and insert

23 "Loading".

24 6. On page 11, line 8, after "bus" insert "the".

1 7. On page 16, line 27; and page 17, line 1, strike

2 "subsection" and insert "section".

3 8. On page 19, line 21, after "law" insert an

4 underscored comma; and in line 26 reinstate the stricken "a".

5 9. On page 24, line 10, strike "60-4,142, 60-4,141.01"

6 and insert "60-4,141.01, 60-4,142".

7 10. Renumber sections 12 and 13 as sections 13 and 12,

8 respectively.

LEGISLATIVE BILL 562A. Placed on Select File.

LEGISLATIVE BILL 563. Placed on Select File as amended.

E & R amendment to LB 563:

AM7068

1 1. In the Baker amendment, AM0397, on page 1, line 3,

2 strike "director" and insert "Director of Motor Vehicles".

3 2. On page 2, line 18, strike ", and to" and insert

4 "and"; and in line 26 strike "conflict" and insert "conflicts".

5 3. On page 3, line 5, after "reference" insert an

6 underscored comma.

7 4. On page 7, line 25, after "by" insert "26 U.S.C. 4481

8 of"; and in line 26 strike ", 26 U.S.C. 4481.", show as stricken,

9 and insert an underscored period.

10 5. On page 40, line 16; and page 41, lines 14 and 23,

11 strike "jurisdiction" and insert "jurisdictions".

12 6. On page 95, line 17, strike "14" and insert "15".

LEGISLATIVE BILL 127. Placed on Select File.

LEGISLATIVE BILL 175. Placed on Select File as amended.

E & R amendment to LB 175:

AM7065

1 1. In the Tyson amendment, AM0455:

2 a. On page 1, line 4, strike "city or village treasurer"

3 and insert "treasurer of a city of the second class or village"; in

4 lines 10 and 15 strike "village board" and insert "board of

5 trustees"; and in lines 13 and 14 strike "shall also be" and insert

6 "is also"; and

7 b. On page 2, line 20, reinstate the stricken comma.

8 2. On page 1, line 3, after "sections" insert "17-607,";

9 and in line 6 after the second "to" insert "deposit of funds by

10 cities of the second class and villages and".

LEGISLATIVE BILL 161. Placed on Select File as amended.

E & R amendment to LB 161:

AM7067

1 1. On page 1, line 1, strike "agriculture" and insert

2 "the Weights and Measures Act"; and in line 5 strike "the Weights
3 and Measures Act" and insert "standards, regulations, and fees; to
4 redefine terms; to harmonize provisions".

5 2. On page 12, line 21, after "subdivision" insert an
6 underscored comma.

7 3. On page 16, line 17, after "annual" insert "device";
8 and in line 18 strike "device".

LEGISLATIVE BILL 30A. Placed on Select File.

LEGISLATIVE BILL 31A. Placed on Select File.

LEGISLATIVE BILL 143A. Placed on Select File.

LEGISLATIVE BILL 164A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 467. Placed on General File as amended.

Standing Committee amendment to LB 467:

AM0479

- 1 1. Strike original sections 2, 8, 19, 20, and 21 and
- 2 insert the following new sections:
- 3 "Sec. 10. Section 81-3009, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-3009. ~~On and after January 1, 1997, the~~ The directors
- 6 of the departments, the Policy Secretary, and the chief medical
- 7 officer, if one is appointed under section 81-3201, shall be known
- 8 as the Policy Cabinet of the Nebraska Health and Human Services
- 9 System. Any reference to the Policy Cabinet in the Nebraska Health
- 10 and Human Services System Act shall be to such persons. The Policy
- 11 Cabinet shall ~~work jointly as a Policy Cabinet~~ to achieve policy
- 12 outcomes through development of policy objectives and strategic
- 13 plans, to prepare and recommend budgets, to develop and establish
- 14 consistent priorities and policies for allocation and distribution
- 15 of resources, ~~to establish procedures to promote and support~~
- 16 ~~collaborative community efforts or local service networks, to~~
- 17 ~~integrate the services of the departments, to evaluate that~~
- 18 ~~outcomes are achieved, and to make health and human services system~~
- 19 ~~improvements in accordance with the intent and purposes of the~~
- 20 ~~Nebraska Partnership for Health and Human Services Act and to~~
- 21 ~~integrate and improve services and programs administered by the~~
- 22 ~~system.~~ The Policy Secretary shall serve as the chairperson of the
- 23 Policy Cabinet.
- 24 Sec. 20. Original sections 81-3001, 81-3004, 81-3006,
- 1 81-3008, 81-3009, 81-3101, 81-3102, 81-3107, 81-3202, 81-3207,
- 2 81-3301, 81-3302, and 81-3307, Reissue Revised Statutes of
- 3 Nebraska, and sections 71-3406, 71-8250, and 81-3201, Revised
- 4 Statutes Supplement, 2002, are repealed.

- 5 Sec. 21. The following sections are outright repealed:
 6 Sections 81-3002, 81-3002.01, 81-3003, 81-3005, 81-3007, 81-3010 to
 7 81-3014, 81-3104, 81-3105, 81-3204, 81-3205, 81-3304, and 81-3305,
 8 Reissue Revised Statutes of Nebraska."
 9 2. On page 5, line 21, reinstate the stricken matter.
 10 3. On page 6, line 7, strike "new".
 11 4. On page 9, line 7, strike "2006" and insert "2007";
 12 and in line 8 strike "direct" and insert "designate".
 13 5. Renumber the remaining sections and correct internal
 14 references accordingly.

LEGISLATIVE BILL 645. Placed on General File as amended.
 Standing Committee amendment to LB 645:
 AM0480

- 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 or 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 667. Placed on General File as amended.
 Standing Committee amendment to LB 667:
 AM0484

- 1 1. Strike original section 8 and insert the following
 2 new sections:
 3 "Sec. 8. Section 81-6,107, Revised Statutes Supplement,
 4 2002, is amended to read:
 5 81-6,107. ~~(1) Any physician or pharmacist required to~~
 6 ~~make reports under section 81-6,102 or 81-6,103 is immune from~~
 7 ~~liability, civil, criminal, or otherwise, for filing an incomplete~~
 8 ~~report as a result of the failure of an individual to provide the~~
 9 ~~information necessary to make such report.~~
 10 ~~(2) Any physician or pharmacist who fails to file reports~~
 11 ~~as required under section 81-6,102 or 81-6,103 shall be guilty of a~~
 12 ~~Class V misdemeanor for each offense.~~
 13 Sec. 9. Section 81-6,110, Revised Statutes Supplement,
 14 2002, is amended to read:
 15 81-6,110. Costs associated with administration of the
 16 Parkinson's Disease Registry Act shall be paid from cash funds,
 17 contract receipts, gifts, and grants. No general funds shall be
 18 used to pay such costs. Notwithstanding any other provision of the
 19 act, the Parkinson's Disease Registry and all duties related to the
 20 administration of such registry and such act shall cease as of June
 21 30 of any year in which the department has insufficient funds on
 22 hand to perform its duties under the act for the next fiscal year,
 23 after providing thirty days written notice to each approved

24 researcher who has contracted with the department under section
 1 81-6,101 in the current biennium. The Parkinson's Disease Registry
 2 Act terminates on June 30, 2003, or if no requests are received for
 3 two years from approved researchers to obtain access to data
 4 contained in the Parkinson's Disease Registry, the act terminates
 5 two years after the date of the last request, whichever occurs
 6 sooner, unless reenacted or reestablished by the Legislature.".

7 2. On page 2, lines 4, 8, and 19, strike
 8 "hearing-impaired", show as stricken, and insert "deaf or hard of
 9 hearing"; in line 5 strike "an able-bodied", show as stricken, and
 10 insert "any other"; in lines 20 and 26 strike "aid" and show as
 11 stricken; in line 23 strike "aid"; and in line 24 strike "the" and
 12 insert "such"; and in line 28 strike the new matter.

13 3. On page 3, strike lines 1 through 3; in line 9 before
 14 "Any" insert "(1)"; strike beginning with the first comma in line 9
 15 through "corporation" in line 10, show as stricken, and insert "or
 16 the agent of such person"; in line 13 strike "hearing-impaired",
 17 show as stricken, and insert "deaf or hard of hearing"; in line 15
 18 strike "shall be", show as stricken, and insert "is"; and after
 19 line 15 insert the following new subsection:

20 "(2) Any person or the agent of such person who denies or
 21 interferes with admittance to or enjoyment of the public facilities
 22 enumerated in section 20-127 or otherwise interferes with the
 23 rights of a bona fide trainer of a dog guide, hearing dog, or
 24 service dog when training such dog under section 20-127 is guilty
 25 of a Class III misdemeanor.".

26 4. On page 6, line 12, strike "and"; and in line 13
 27 after "firefighter" insert ",and any civilian law enforcement
 1 employee or volunteer".

2 5. On page 8, strike lines 15 through 17.

3 6. On page 10, line 15, strike "and 81-697" and insert

4 "81-6,107, and 81-6,110"; and in line 18 strike "81-6,110" and

5 insert "81-6,108".

6 7. Renumber the remaining sections accordingly.

(Signed) Jim Jensen, Chairperson

Judiciary

LEGISLATIVE BILL 267. Placed on General File as amended.

Standing Committee amendment to LB 267:

AM0134

1 1. Strike the original sections and insert the following
 2 new sections:

3 "Section 1. Section 53-131.01, Reissue Revised Statutes
 4 of Nebraska, is amended to read:

5 53-131.01. (1) The application for a new license shall

6 be submitted upon such forms as the commission may prescribe. Such

7 forms shall contain (a) the name and residence of the applicant and

8 how long he or she has resided within the State of Nebraska, (b)
9 the particular premises for which a license is desired designating
10 the same by street and number if practicable or, if not, by such
11 other description as definitely locates the premises, (c) the name
12 of the owner of the premises upon which the business licensed is to
13 be carried on, (d) a statement that the applicant is a citizen of
14 the United States, that the applicant and the spouse of the
15 applicant are not less than twenty-one years of age, and that such
16 applicant has never been convicted of or pleaded guilty to a felony
17 or been adjudged guilty of violating the laws governing the sale of
18 alcoholic liquor or the law for the prevention of gambling in the
19 State of Nebraska, except that a manager for a corporation applying
20 for a license shall qualify with all provisions of this subdivision
21 as though the manager were the applicant, except that the
22 provisions of this subdivision shall not apply to the spouse of a
23 manager-applicant, (e) a statement that the applicant intends to
24 carry on the business authorized by the license for himself or
1 herself and not as the agent of any other persons and that if
2 licensed he or she will carry on such business for himself or
3 herself and not as the agent for any other person, (f) a statement
4 that the applicant intends to superintend in person the management
5 of the business licensed and that if so licensed he or she will
6 superintend in person the management of the business, and (g) such
7 other information as the commission may from time to time direct.
8 The applicant shall also submit two legible sets of fingerprints to
9 be furnished to the Federal Bureau of Investigation through the
10 Nebraska State Patrol for a national criminal history record check
11 and the fee for such record check payable to the patrol.

12 (2) The application shall be verified by the affidavit of
13 the petitioner made before a notary public or other person duly
14 authorized by law to administer oaths. If any false statement is
15 made in any part of such application, the applicant or applicants
16 shall be deemed guilty of perjury, and upon conviction thereof the
17 license shall be revoked and the applicant subjected to the
18 penalties provided by law for that crime.

19 Sec. 2. Section 71-3205, Revised Statutes Supplement,
20 2002, is amended to read:

21 71-3205. (1) Any person desiring to engage in the
22 private detective business in the State of Nebraska and desiring to
23 be licensed under sections 71-3201 to 71-3213 shall file with the
24 secretary an application for a license. The application shall be
25 made on a suitable form prescribed by the secretary; shall include
26 the applicant's social security number if the applicant is an
27 individual; shall be accompanied when filed by an application fee
1 of fifty dollars for a license for a private detective, one hundred
2 dollars for a license for a private detective agency, or
3 twenty-five dollars for a license for a plain clothes investigator;
4 shall be signed and verified by each individual connected with the
5 applicant to whom the requirements of subsection (2) of this

6 section apply; and may contain such information as may be required
7 by the secretary. The applicant shall also submit two legible sets
8 of fingerprints to the Nebraska State Patrol for a national
9 criminal history record check through the Federal Bureau of
10 Investigation.

11 (2) The secretary shall issue to the person if qualified
12 therefor a nontransferable license to engage in the private
13 detective business as a private detective, as a private detective
14 agency, or as a plain clothes investigator in the State of Nebraska
15 as follows:

16 (4) If the applicant is an individual, the individual; ;
17 if the applicant is a corporation, each of its individual officers
18 performing the duties of the president, the secretary, and the
19 treasurer of the corporation and the duties of the manager of the
20 business of the corporation in the State of Nebraska; ; or if the
21 applicant is any person other than an individual or a corporation,
22 each of the individual partners, members, managers, officers, or
23 other individuals having a right to participate in the management
24 of the applicant's business in the State of Nebraska.

25 (3) ~~The licensee ; before the license may be issued,~~
26 shall be at least twenty-one years of age, a citizen of the United
27 States, and of good moral character, temperate habits, and good
1 reputation for truth, honesty, and integrity and shall have such
2 experience and competence in the detective business or otherwise as
3 the secretary may determine to be reasonably necessary for the
4 individual to perform the duties of his or her position with the
5 applicant in a manner consistent with the public interest and
6 welfare.

7 (4) No license issued under sections 71-3201 to 71-3213
8 shall be issued or renewed to any person who in any manner engages
9 in the business of debt collection in the State of Nebraska as
10 licensee or employee of a licensee as provided in the Collection
11 Agency Act. If any collection agency, or any person in the employ
12 of such agency with knowledge of the owner or operator of such
13 agency, engages in the business of a private detective or
14 represents to others that he or she is engaged in such business, it
15 shall be cause for suspension or revocation of such agency's
16 license as a collection agency.

17 (5) Prior to the issuance of the license, the secretary
18 shall notify the Nebraska State Patrol, and the patrol shall
19 investigate the character and reputation of the applicant
20 respecting his or her fitness to engage in the business of a
21 private detective. Upon completion of the investigation, the
22 patrol shall notify the secretary of the results of the
23 investigation within ninety days after the date of the application.
24 The license shall be issued by the secretary unless he or she has
25 received within ninety days after the application is made for the
26 license a report of investigation from the patrol stating that the
27 applicant is not of the proper character and reputation to engage

1 in the business of a private detective; ~~and~~
 2 (2) ~~The applications shall be made on a suitable form~~
 3 ~~prescribed by the secretary, shall include the applicant's social~~
 4 ~~security number if the applicant is an individual, shall be~~
 5 ~~accompanied when filed by an application fee established pursuant~~
 6 ~~to section 71-3204, shall be signed and verified by each individual~~
 7 ~~connected with the applicant to whom the requirements of~~
 8 ~~subdivision (1) of this section apply, and may contain such~~
 9 ~~information, including specimens of fingerprints, as may be~~
 10 ~~required by the secretary.~~
 11 Sec. 3. Original section 53-131.01, Reissue Revised
 12 Statutes of Nebraska, and section 71-3205, Revised Statutes
 13 Supplement, 2002, are repealed."

LEGISLATIVE BILL 329. Placed on General File as amended.
 Standing Committee amendment to LB 329:
 AM0443

1 1. Insert the following new section:
 2 "Sec. 2. Section 25-1628, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 25-1628. The At least once each calendar year, the
 5 officer having charge of the election records shall furnish to the
 6 jury commissioner a complete list of the names, dates of birth, and
 7 addresses of all registered electors nineteen years of age or older
 8 in the county. The Department of Motor Vehicles shall make
 9 available to each jury commissioner each December ~~if requested, a~~
 10 list in printed form or on magnetic tape or other magnetic medium
 11 mutually agreed to by the ~~requesting~~ jury commissioner and the
 12 department containing the names, dates of birth, and addresses of
 13 all licensed motor vehicle operators nineteen years of age or older
 14 in the county. The jury commissioner may request such a list of
 15 licensed motor vehicle operators from the county treasurer if the
 16 county treasurer has an automated procedure for developing such
 17 lists. If a jury commissioner requests similar lists at other
 18 times from the department, the cost of processing such lists shall
 19 be paid by the county which the requesting jury commissioner
 20 serves.
 21 Upon At least once each calendar year upon receipt of
 22 both lists, the jury commissioner shall combine the separate lists
 23 and attempt to reduce duplication to the best of his or her ability
 24 to produce a master list. The proposed juror list shall be derived
 1 by selecting from the master list the name of the person whose
 2 numerical order on such list corresponds with the key number and
 3 each successive tenth name thereafter. The jury commissioner shall
 4 certify that the proposed juror list has been made in accordance
 5 with sections 25-1625 to 25-1637.
 6 Any duplication of names on a master list shall not be
 7 grounds for quashing any panel pursuant to section 25-1637 or for
 8 the disqualification of any juror."

- 9 2. On page 2, line 20, strike "county board" and insert
 10 "judges of the district court within such counties".
 11 3. On page 3, line 5, strike "section 25-1625" and
 12 insert "sections 25-1625 and 25-1628"; and in line 6 strike "is"
 13 and insert "are".
 14 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 176. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Natural Resources

LEGISLATIVE BILL 254. Placed on General File.

LEGISLATIVE BILL 449. Placed on General File.

LEGISLATIVE BILL 74. Placed on General File as amended.

Standing Committee amendment to LB 74:

AM0490

- 1 1. On page 2, lines 3 through 15, strike the new matter
 2 and insert "(1) No person shall operate or give permission for the
 3 operation of a motorboat on the waters of this state in such a
 4 manner as to exceed a noise level of 96 decibels on the "A" scale,
 5 when measured at one hundred feet or more on plane.".

LEGISLATIVE BILL 431. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB 209 as its priority bill.

Senator Chambers designates LB 688 as his priority bill.

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

LB 367	Monday, March 3, 2003	1:30 p.m.
LB 393	Monday, March 3, 2003	1:30 p.m.
LB 536	Monday, March 3, 2003	1:30 p.m.
LB 426	Monday, March 10, 2003	1:30 p.m.
LB 525	Monday, March 10, 2003	1:30 p.m.
LB 782	Monday, March 10, 2003	1:30 p.m.

(Signed) Ray Janssen, Chairperson

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 562:
AM0522

- 1 1. On page 18, strike beginning with "Controlled" in
- 2 line 7 through "28-401" in line 8.
- 3 2. On page 19, line 19, after "(6)" insert "For purposes
- 4 of this section, controlled substance has the same meaning as in
- 5 section 28-401.
- 6 (7)".
- 7 3. On page 20, line 1, strike "(7)" show as stricken,
- 8 and insert "(8)".

Senator Brashear filed the following amendment to LB 121:
AM0512

- 1 1. Insert the following new section:
- 2 "Section 1. Section 44-513.02, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 44-513.02. (1) A medical benefit contract which provides
- 5 reimbursement for prescription drugs, including contracts by health
- 6 maintenance organizations and preferred provider organizations,
- 7 shall not require a person to obtain prescription drugs from a
- 8 mail-order pharmacy as a condition to obtaining reimbursement for
- 9 such drugs. This subsection shall apply to contracts delivered,
- 10 issued for delivery, or renewed in this state on or after July 10,
- 11 1990.
- 12 (2)(a) A medical benefit contract, including any contract
- 13 by a preferred provider organization but excluding any contract by
- 14 a health maintenance organization, which provides reimbursement for
- 15 prescription drugs and other pharmacy services shall not impose
- 16 upon any person who is a party to or beneficiary of the contract a
- 17 fee or copayment not equally imposed upon any party or beneficiary
- 18 utilizing a mail-order pharmacy, and no such contract shall provide
- 19 differences in coverage or impose any different conditions upon any
- 20 person who is a party to or beneficiary of the contract not equally
- 21 imposed upon any party or beneficiary utilizing a mail-order
- 22 pharmacy. This subsection shall apply to contracts delivered,
- 23 issued for delivery, or renewed in this state on or after July 16,
- 24 1994.
- 1 (b) This subsection shall not apply to reimbursement for
- 2 long-term maintenance drugs. Long-term maintenance drugs means
- 3 medications which are dispensed pursuant to a single prescription
- 4 for a period of no less than ~~one hundred eighty~~ ninety days,
- 5 exclusive of authorized refills, for the ongoing treatment of a
- 6 chronic medical condition or disease or congenital condition or
- 7 disorder."
- 8 2. On page 4, line 26, strike "section" and insert
- 9 "sections 44-513.02".

10 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 689. Title read. Considered.

The Standing Committee amendment, AM0283, found on page 461, was considered.

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

AM0352

(Amendments to Standing Committee amendments, AM0283)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Beginning January 1, 2008, the county assessor
- 3 shall determine the value of the property exempt under subdivision
- 4 (1)(a) and subsection (6) of section 77-202. The county assessor
- 5 of Lancaster County shall not be required to value the State
- 6 Capitol. Notice that a list of the descriptions of the property
- 7 and the value of the property is available in the county assessor's
- 8 office shall be published in a newspaper of general circulation in
- 9 the county.".
- 10 2. Renumber the remaining section accordingly.

Senator Connealy withdrew his amendment.

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

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

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

Failed to advance to E & R for review with 7 ayes, 26 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 394. Title read. Considered.

The Standing Committee amendment, AM0207, found on page 465, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 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.

LEGISLATIVE BILL 692. 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.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 55, 66, 66A, 119, 138, 194, 195, 205, 222, 282, 381, and 381A.

ER9017

Enrollment and Review Change to LB 282

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7034:
 - a. On page 33, line 1, "or" has been inserted after the semicolon;
 - b. On page 62, line 15, "by either" has been struck and "either by" inserted; and
 - c. On page 118, line 1, a comma has been inserted after "13-319".
2. On page 1, line 6, a comma has been inserted after "13-319".

ER9016

Enrollment and Review Change to LB 381

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "section" has been struck and "sections 13-324 and 77-27,143, Reissue Revised Statutes of Nebraska, and sections 13-2814 and" inserted; and in line 5 "section" has been struck and "sections" inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 735. Placed on General File as amended.

Standing Committee amendment to LB 735:

AM0410

1 1. Insert the following new sections:
2 "Sec. 12. Section 88-530, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 88-530. Each applicant shall show sufficient net worth
5 or stockholders' equity to conform with the financial requirements
6 which the commission shall establish by the adoption and
7 promulgation of rules and regulations. Applicants shall file with
8 the commission security in the form of a bond, a certificate of
9 deposit, an irrevocable letter of credit, United States bonds or
10 treasury notes, or other public debt obligations of the United
11 States which are unconditionally guaranteed as to both principal
12 and interest by the United States in such sum as the commission may
13 require and in the form and of the kind prescribed by the
14 commission. The security shall be in an amount set by the
15 commission pursuant to rules and regulations, but shall not be less
16 than one thousand dollars for any warehouse licensee who receives
17 grain from producers in wagon or truckload lots and not less than
18 twenty-five thousand dollars, for those who receive grain in
19 earload lots. The security shall run to the State of Nebraska for
20 the benefit of each person who stores grain in such warehouse and
21 of each person who holds a check for purchase of grain stored in
22 such warehouse which was issued by the warehouse licensee not more
23 than five business days prior to the cutoff date of operation of
24 the warehouse, which shall be the date the commission officially
1 closes the warehouse. The security shall be conditioned upon (1)
2 the warehouse licensee carrying combustion, fire, lightning, and
3 tornado insurance sufficient to cover loss upon all stored grain in
4 such warehouse, (2) the delivery of the grain upon surrender of the
5 warehouse receipt, and (3) the faithful performance by the
6 warehouse licensee of all provisions of law relating to the storage
7 of grain by such warehouse licensee and rules and regulations
8 adopted and promulgated by the commission. The commission may
9 require increases in the amount of the security from time to time
10 as it may deem necessary for the protection of the storers. For an
11 applicant who has filed a reviewed fiscal year-end financial
12 statement pursuant to section 88-528, the commission shall require
13 additional security in an amount set by the commission pursuant to
14 rules and regulations, which shall not be less than twenty-five
15 thousand dollars and not more than five hundred thousand dollars.
16 The surety on a bond shall be a surety company licensed by the
17 Department of Insurance. An irrevocable letter of credit or
18 certificate of deposit shall be issued by a federally insured
19 depository institution.

20 The security shall particularly describe the warehouse
21 intended to be covered by the security. The liability of the
22 surety on a bond shall not accumulate for each successive license
23 period which the bond covers. The liability of the surety shall be
24 limited to the amount stated on the bond or on an appropriate rider
25 or endorsement to the bond.

26 Sec. 13. In addition to the audited or reviewed fiscal
27 year-end financial statement required by section 88-528 and to
1 detect noncompliance with financial requirements established by the
2 commission pursuant to section 88-530, the commission shall, for
3 good cause shown as determined by criteria set forth in commission
4 rules and regulations, require (1) a verified report of the total
5 grain inventory or (2) an audited financial statement. A verified
6 report of grain inventory or audited financial statement shall be
7 prepared in accordance with generally accepted accounting practices
8 in the United States by a person or firm which holds a permit
9 granted by the Nebraska State Board of Public Accountancy."

10 2. On page 8, line 26, strike "and 13" and insert "13,
11 and 15".

12 3. On page 11, line 23, after "audited" insert "or
13 reviewed"; and in line 27 after the period insert "If the applicant
14 files a reviewed fiscal year-end financial statement, the applicant
15 shall also provide additional security pursuant to section 88-530
16 in such amount as the commission requires."

17 4. On page 15, line 24, after the first comma insert
18 "88-530,".

19 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 169. Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

Executive Board

LEGISLATIVE BILL 510. Placed on General File.

LEGISLATIVE BILL 484. Placed on General File as amended.

(Standing Committee amendment, AM0477, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE RESOLUTION 22CA. Indefinitely postponed.

LEGISLATIVE BILL 311. Indefinitely postponed.

LEGISLATIVE BILL 663. Indefinitely postponed.

LEGISLATIVE BILL 703. Indefinitely postponed.

(Signed) L. Patrick Engel, Chairperson

ANNOUNCEMENT

Senator Jensen designates LB 724 as his priority bill.

GENERAL FILE

LEGISLATIVE RESOLUTION 4CA. Read. Considered.

Pending.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 128, 130, and 199.

ER9018

Enrollment and Review Change to LB 199

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "and services performed by election workers and persons committed to penal or custodial institutions" has been inserted after "payments".

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LR 4CA:

FA1167

After "fish" insert "for anglers"; after "trap" insert "trappers"; after "hunt" insert "hunters".

FA1169

Strike "fish, trap and" and insert "for a way to protect the Constitution from frivolous amendments"; strike "subject to reasonable restrictions as prescribed by law".

FA1170

Strike "fish,"; after "trap" insert "the Man in the Moon"; after "hunt" insert "for Martians".

FA1171

Strike "fish, trap, and"; after "hunt" insert "a cure for cancer".

FA1172

Strike "fish, trap and"; insert "lunches".

FA1173

Strike "fish, trap and"; after "hunt" insert "Osama bin Laden".

FA1174

Strike "fish, trap, and hunt"; insert "trap the morning mist".

FA1175

Strike "fish, trap, and"; insert "the Fountain of Youth".

FA1176

Strike "fish, trap and hunt"; insert "hunt and trap Bigfoot".

FA1177

Strike "fish, trap and"; insert "perfect peace and happiness".

FA1178

Strike "fish, trap, and"; insert "world peace".

FA1179

Amend FA1173

After "Osama bin Laden" add "and Mullah Omar".

Senator Beutler filed the following amendment to LB 164:

AM0459

- 1 1. On page 5, strike beginning with the period in line
- 2 26 through line 28, show as stricken, and insert an underscored
- 3 semicolon.
- 4 2. On page 6, strike lines 1 and 2 and show as stricken;
- 5 and strike beginning with the first underscored period in line 16
- 6 through "occur" in line 19.

VISITORS

Visitors to the Chamber were Sarah and Angie Hutson from Sumner; 38 fourth-grade students and teacher from Lincoln Christian School; Scott Haun and Alex Flores from Kimball; Senator D. Pederson's stepsister, Nancy, and husband, Thurman Phelan, from Sioux Falls, South Dakota; 35 twelfth-grade students and teacher from Creighton; 9 fifth- through eighth-grade students and teacher from St. Peter's Lutheran School, Davenport; and Nanci Lingenfelter from Plainview.

ADJOURNMENT

At 11:54 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 25, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 2003

PRAYER

The prayer was offered by Pastor Bob Call, United Methodist Church, Oakland, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Brashear, Brown, Friend, Hartnett, Kremer, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

**STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs**

LEGISLATIVE BILL 323. Placed on General File.

LEGISLATIVE BILL 396. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENT

Senator Erdman designates LB 526 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 10, 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 as the State Fire Marshal.

APPOINTEE:

Dennis C. Hohbein, 1720 Hoyt St, Beatrice, NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

Friday, March 14, 2003

1:30 p.m.

Gift of Real Property - from Norfolk to the Nebraska Military Department

(Signed) DiAnna R. Schimek, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 34 and 35 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 34, 35, 36, and 37.

GENERAL FILE

LEGISLATIVE BILL 54A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 234A. 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.

SELECT FILE**LEGISLATIVE BILL 30A.** Advanced to E & R for engrossment.**LEGISLATIVE BILL 31A.** Advanced to E & R for engrossment.**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 23-3104, 23-3107, 23-3108, and 23-3109, Reissue Revised Statutes of Nebraska; to change provisions relating to bidding requirements; 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	Johnson	Pederson, D.	Stuthman
Baker	Cudaback	Jones	Preister	Synowiecki
Beutler	Cunningham	Kremer	Price	Thompson
Bourne	Engel	Kruse	Quandahl	Tyson
Brashear	Erdman	Landis	Raikes	Vrtiska
Bromm	Foley	Maxwell	Redfield	Wehrbein
Burling	Hartnett	McDonald	Schimek	
Byars	Hudkins	Mines	Schrock	
Chambers	Janssen	Mossey	Smith	
Combs	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Friend

Excused and not voting, 2:

Brown Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 76.

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

membership provisions for facility 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, 47:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 84. With Emergency.

A BILL FOR AN ACT relating to county attorneys; to amend sections 23-1201.01 and 32-604, Reissue Revised Statutes of Nebraska; to change provisions relating to holding more than one 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, 45:

Aguilar	Combs	Hudkins	Mines	Schrock
Baker	Connealy	Janssen	Mossey	Smith
Beutler	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Johnson	Pederson, D.	Stuthman
Brashear	Engel	Jones	Preister	Synowiecki
Bromm	Erdman	Kremer	Price	Thompson
Burling	Foley	Kruse	Raikes	Tyson
Byars	Friend	Landis	Redfield	Vrtiska
Chambers	Hartnett	McDonald	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Maxwell Quandahl

Excused and not voting, 2:

Brown Louden

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 85. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 8-105, 44-119, and 81-1373, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Supplement, 2002; to provide for reclassification of certain deputies and examiners as at-will employees; 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, 42:

Aguilar	Connealy	Janssen	Mines	Stuhr
Baker	Cudaback	Jensen	Mossey	Stuthman
Bourne	Cunningham	Johnson	Pedersen, Dw.	Thompson
Brashear	Engel	Jones	Pederson, D.	Tyson
Bromm	Erdman	Kremer	Price	Vrtiska
Burling	Foley	Kruse	Quandahl	Wehrbein
Byars	Friend	Landis	Raikes	
Chambers	Hartnett	Maxwell	Redfield	
Combs	Hudkins	McDonald	Smith	

Voting in the negative, 4:

Beutler Preister Schimek Synowiecki

Present and not voting, 1:

Schrock

Excused and not voting, 2:

Brown Louden

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 85A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 85, Ninety-eighth Legislature, First Session, 2003; 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:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Landis	Raikes	Vrtiska
Burling	Foley	Maxwell	Redfield	Wehrbein
Byars	Friend	McDonald	Schimek	
Chambers	Hartnett	Mines	Schrock	
Combs	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Janssen	Kruse	Preister	Synowiecki

Excused and not voting, 2:

Brown	Louden

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 90.

A BILL FOR AN ACT relating to counties; to amend section 22-119, Reissue Revised Statutes of Nebraska, and sections 22-112 and 22-171, Revised Statutes Supplement, 2002; to change the boundary line between the counties of Butler and Colfax; 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	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

Excused and not voting, 1:

Brown

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 126 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 126. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101 to 81-2103, 81-2106 to 81-2108, 81-2113, 81-2114, 81-2117.02 to 81-2119, 81-2135, and 81-2141, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the State Electrical Board, licensing under the act, and fees; to harmonize provisions; to repeal the original sections; to outright repeal section 81-2145, 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, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Brashear	Foley	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Cunningham

Excused and not voting, 1:

Brown

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 131 with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 131.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,139, 8-1501, 8-1505, 8-1506.01, 8-1901, 18-2707, 21-20,138, 45-1,112, 45-345, 64-215, 69-1301, and 77-2366, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-102, 8-103, 8-157.01, 8-345.01, 8-601, 8-602, 8-1110, 8-1401, 8-1502, 8-1504, 8-1516, 9-1,104, 12-1102, 12-1107, 21-20,162, 28-612, 45-101.04, 45-190, 45-702, 45-1002, 45-1003, 62-301, 76-2221, 77-2387, and 77-3801, Revised Statutes Supplement, 2002; to eliminate references to industrial loan and investment companies; to eliminate the Nebraska Depository Institution Guaranty Corporation Act; to redefine terms; to change powers and duties of the Director of Banking and Finance; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-401 to 8-404.02, 8-406 to 8-410, 8-410.02 to

8-417.01, 8-435 to 8-450, 21-17,127 to 21-17,130, and 21-17,132 to 21-17,145, Reissue Revised Statutes of Nebraska, and section 21-17,131, Revised Statutes Supplement, 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, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 213.

A BILL FOR AN ACT relating to the Licensed Practical Nurse-Certified Act; to amend section 71-1773, Reissue Revised Statutes of Nebraska, and sections 71-1774, 71-1775, 71-1776, 71-1779, and 71-1780, Revised Statutes Supplement, 2002; to eliminate provisions relating to nasogastric tube insertion by licensed practical nurses-certified; 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	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 214. With Emergency.

A BILL FOR AN ACT relating to accountants; to amend sections 1-114, 1-118, 1-119, 1-120, 1-124, 1-135, and 1-136, Reissue Revised Statutes of Nebraska; to change provisions relating to examinations and fees; 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	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Return LB 216 to Select File

Senator Beutler moved to return LB 216 to Select File for the following specific amendment:

AM0542

(Amendments to Final Reading copy)

- 1 1. On page 47, line 9, after "that" insert "an insurer
2 may at its option file policy forms and related rules of attachment
3 in accordance with section 44-7513 and".
- 4 2. On page 48, line 11, after "section" insert "or finds
5 that the insurer committed one or more egregious acts relating to
6 the filing standards"; and in line 19, strike the first "shall" and
7 insert "may".

The Beutler motion to return prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 216. The Beutler specific amendment, AM0542, found in this day's Journal, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 216 to Select File

Senator Beutler moved to return LB 216 to Select File for the following specific amendment:

AM0543

(Amendments to Final Reading copy)

- 1 1. On page 52, line 12, strike "may" and insert "shall"
2 and strike "at any" and insert "within a reasonable"; and in line

3 28 after "but" insert "with the approval of the director".

4 2. On page 52, line 22; and page 53, line 3, strike "1

5 within thirty days after its receipt."

6 3. On page 53, strike beginning with "thirty-day" in

7 line 5 through "director" in line 7 and insert "filer shall furnish

8 the requested information within ninety days".

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Senator Beutler withdrew his motion to return.

Senator Chambers moved to return LB 216 to Select File for the following specific amendment:

FA1182

P. 4, line 9 after "director" insert: "proof that it does not discriminate in employment based on sexual orientation"; and strike "or" and insert "and"

SENATOR CUDABACK PRESIDING

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

Senator Chambers withdrew his motion to return.

MOTION - Return LB 217 to Select File

Senator Chambers moved to return LB 217 to Select File for the following specific amendment:

FA1183

P. 9, line 24 after "8-701" insert "that has a policy prohibiting discrimination based on sexual orientation,"

Senators Brashear, Cunningham, Maxwell, and McDonald asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers 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 217 with 33 ayes, 2 nays, 8 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 217. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-116.01, 8-133, 8-148, 8-1,118, 8-373, 8-378, 8-701, 8-916, 8-1013, 8-1503, 8-1510, 8-1731, 21-17,102, 45-335, 45-343, 45-345, 59-1701.01, 59-1703, 59-1749, 59-1758.01, and 76-2,123, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-115.01, 8-132, 8-157, 8-1,140, 8-234, 8-355, 8-602, 8-815, 8-1001, 8-1003, 8-1015, 8-1103, 8-1120, 8-1507, 8-1603, 21-1725.01, 21-17,115, 45-191.02, 45-902, 45-1002, 45-1003, and 45-1018, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to financial institutions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to personal loans; to define and redefine terms; to change and provide powers for the Director of Banking and Finance; to eliminate an obsolete securities fee refund; to provide and change fees; to change provisions relating to rules and regulations of the Department of Banking and Finance, the credit of certain fees, delayed deposits, and seller-assisted marketing plans; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 8-131, Reissue Revised Statutes of Nebraska, and section 8-1103.01, Revised Statutes Supplement, 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, 44:

Aguilar	Cudaback	Jensen	Pedersen, Dw.	Smith
Baker	Cunningham	Johnson	Pederson, D.	Stuhr
Bourne	Engel	Jones	Preister	Stuthman
Bromm	Erdman	Kremer	Price	Synowiecki
Burling	Foley	Kruse	Quandahl	Thompson
Byars	Friend	Landis	Raikes	Tyson
Chambers	Hartnett	Louden	Redfield	Vrtiska
Combs	Hudkins	Mines	Schimek	Wehrbein
Connealy	Janssen	Mossey	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Brashear Brown Maxwell 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.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BROMM PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 41, 76, 84, 85, 85A, 90, 126, 131, 213, 214, and 217.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 30A, 31A, 45, 53, 102, 181, 185, 186, 218, 259, 319, 371, and LR 2CA.

ER9019

Enrollment and Review Change to LB 45

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 2 to 7 and all amendments thereto have been struck and "sections 71-5709 and 71-5713, Reissue Revised Statutes of Nebraska; to change duties of persons in charge of public places; to change provisions relating to enforcement of the act; to provide for reporting of violations; and to repeal the original sections." inserted.

ER9020

Enrollment and Review Change to LB 186

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 3, line 23, an underscored comma has been inserted after "highway".

ER9021

Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 32, line 9, an underscored comma has been inserted after "loans"; and in line 10 an underscored comma has been inserted after "45-702".

LEGISLATIVE BILL 219. Placed on Select File as amended.

E & R amendment to LB 219:

AM7069

1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 234. Placed on Select File as amended.

E & R amendment to LB 234:

AM7070

1. On page 2, line 18, after "and" insert "(c)".

LEGISLATIVE BILL 56. Placed on Select File as amended.

E & R amendment to LB 56:

AM7071

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 71-2601, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 71-2601. (1) The State Board of Health shall promote and
- 6 protect the health and safety of all people in Nebraska.
- 7 (2) The board shall consist of seventeen members to be
- 8 appointed by the Governor with the consent of a majority of the
- 9 members of the Legislature. Two members shall be licensed to
- 10 practice medicine and surgery in this state, one member shall be
- 11 licensed to practice dentistry in this state, one member shall be
- 12 licensed to practice optometry in this state, one member shall be
- 13 licensed to practice veterinary medicine in this state, one member
- 14 shall be licensed to practice pharmacy in this state, two members
- 15 shall be licensed to practice nursing in this state, one member
- 16 shall be licensed to practice osteopathic medicine and surgery or
- 17 as an osteopathic physician in this state, one member shall be
- 18 licensed to practice podiatry in this state, one member shall be
- 19 licensed to practice chiropractic in this state, one member shall
- 20 be licensed to practice physical therapy in this state, one member
- 21 shall be a professional engineer in this state, one member shall be
- 22 an administrator of a hospital in this state which is licensed
- 23 under the Health Care Facility Licensure Act, one member shall be a
- 24 credentialed mental health professional, and two members shall be
- 25 public members who at all times are public-spirited citizens of
- 26 Nebraska interested in the health of the people of the State of
- 27 Nebraska and not less than twenty-one years of age. If a member
- 28 fails at any time to meet the qualifications for the position for
- 29 which he or she was appointed, such member may be removed by the
- 30 Governor pursuant to section 71-2603.
- 31 (3) The Governor shall also be an ex officio member of

8 such board but shall be permitted to vote on matters before the
9 board only when necessary to break a tie.

10 Sec. 2. Section 71-2602, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-2602. The Governor shall appoint the members of the
13 State Board of Health. Each member of the board serving on
14 ~~September 9, 1993, the effective date of this act shall hold office~~
15 ~~for the remainder of the term for which he or she was appointed~~
16 until August 1 of the calendar year in which his or her term would
17 otherwise expire. Appointments made for the succeeding members
18 shall be for terms of five years. The term of office of each
19 member of the board shall expire on ~~September 14~~ August 1 of the
20 appropriate year. If a vacancy occurs prior to the expiration of a
21 term, the Governor shall appoint a successor with similar
22 qualifications for the remainder of the unexpired term. No member
23 of the board shall serve more than two consecutive, full terms. If
24 the Legislature is not in session when an appointment is made by
25 the Governor, the member shall take office and act as a recess
26 appointee until the Legislature convenes.

27 Sec. 3. Section 71-2603, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 71-2603. Members of the State Board of Health may be
3 removed by the Governor for inefficiency, neglect of duty, failure
4 to maintain the qualifications for the position for which
5 appointed, or misconduct in office, but only after delivering to
6 the member a copy of the charges and affording ~~him~~ the member an
7 opportunity of being publicly heard in person or by counsel in his
8 or her own defense, upon not less than ten days' notice. Such
9 hearing shall be held before the Governor. If such member ~~shall be~~
10 is removed, the Governor shall file in the office of the Secretary
11 of State a complete statement of all charges made against such
12 member and ~~his~~ the Governor's findings thereon, together with a
13 complete record of the proceedings.

14 Sec. 4. Section 71-2606, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-2606. ~~The~~ In the last calendar quarter of each year,
17 the members of the State Board of Health shall meet ~~in January of~~
18 ~~each year~~ and shall elect a ~~chairman~~ chairperson of the board from
19 ~~its~~ the members, and such other officers, including a
20 ~~vice chairman, as it~~ vice-chairperson and a secretary, as the board
21 deems necessary. In case of the death, resignation, or other
22 permanent absence of the ~~chairman~~ chairperson of the board, the
23 ~~vice chairman~~ vice-chairperson shall assume the office of ~~chairman~~
24 chairperson and the members of the ~~State Board of Health board~~ board at
25 the next regular meeting of the board, or at a special meeting of
26 the board pursuant to a call signed by five members, of which the
27 other members shall have at least three days' notice, shall elect a
1 new ~~chairman~~ chairperson of the board from ~~its~~ the members, and
2 such other new officers as ~~it~~ the board deems necessary.

3 Sec. 5. Section 71-2607, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-2607. The State Board of Health shall meet at least
6 once each quarter; and at such other times as it deems necessary.
7 Special meetings may be held upon the call of the ~~chairman~~,
8 chairperson or pursuant to a call signed by five other members; of
9 which the ~~chairman~~ chairperson and the other members of the board
10 shall have at least three days' notice. All regular meetings shall
11 be held in suitable offices to be provided in the ~~State Capitol~~
12 state office building described in section 81-1108.37 or elsewhere.
13 A majority of the members of the board shall constitute a quorum
14 for the transaction of business. Every act of a majority of the
15 members of the board shall be deemed to be the act of the board.
16 All meetings shall be open to the public. The minutes of the
17 meetings shall show the action of the board on matters presented;
18 and shall be open to public inspection.

19 Sec. 6. Section 71-2610, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-2610. (1) The State Board of Health shall advise the
22 department Department of Health and Human Services Regulation and
23 Licensure regarding:

24 (1) (a) Rules and regulations for the government of the
25 Department of Health and Human Services Regulation and Licensure
26 including those required pursuant to section 71-115.04 department;

27 (2) (b) The policies of the department as they relate to
1 support provided to the board;

2 (c) The policies of the department concerning the
3 professions and occupations described in section 71-2610.01;

4 (d) Communication and cooperation among the professional
5 boards; and

6 (e) Plans of organization or reorganization of the
7 department.

8 (2) Upon request of the Policy Cabinet, the board shall
9 advise them on matters pertaining to public health. Department of
10 Health and Human Services Regulation and Licensure;

11 (3) Health needs for the state;

12 (4) An educational health program throughout the state;
13 and

14 (5) Plans of organization or reorganization of the
15 Department of Health and Human Services Regulation and Licensure.

16 All funds rendered available by law, including funds
17 already collected for such purposes, may be used by the department
18 in administering and effecting such purposes.

19 Sec. 7. Section 71-2610.01, Revised Statutes Supplement,
20 2002, is amended to read:

21 71-2610.01. ~~(4)~~ The State Board of Health shall: ~~have~~
22 ~~the power and duty to:~~

23 ~~(a)~~ (1) Adopt and promulgate rules and regulations for
24 the government of the professions and occupations licensed,

25 certified, registered, or issued permits by the Department of
26 Health and Human Services Regulation and Licensure, including rules
27 and regulations necessary to implement laws enforced by the
1 department. These professions and occupations ~~include, but are not~~
2 ~~limited to, are those subject to~~ the Advanced Practice Registered
3 Nurse Act, the Asbestos Control Act, the Licensed Practical
4 Nurse-Certified Act, the Nebraska Certified Nurse Midwifery
5 Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act,
6 the Occupational Therapy Practice Act, the Radiation Control Act,
7 the Residential Lead-Based Paint Professions Certification Act, the
8 Uniform Controlled Substances Act, the Uniform Licensing Law, the
9 Wholesale Drug Distributor Licensing Act, or sections 71-102,
10 71-3702 to 71-3715, 71-4701 to 71-4719, and 71-6053 to 71-6068;

11 (2) Serve in an advisory capacity for other rules and
12 regulations adopted and promulgated by the department, including
13 those for health care facilities and environmental health services;

14 (3) Carry out its powers and duties under the Nebraska
15 Regulation of Health Professions Act;

16 (4) Appoint and remove for cause members of
17 health-related professional boards as provided in sections 71-111,
18 71-112, and 71-118;

19 (5) At the discretion of the board, help mediate issues
20 related to the regulation of health care professions except issues
21 related to the discipline of health care professionals; and

22 (6) Have the authority to participate in the periodic
23 review of the regulation of health care professions. and

24 ~~(b) Determine the policies of the department concerning~~
25 ~~the professions and occupations listed in this section.~~

26 ~~(2) All funds rendered available by law may be used by~~
27 ~~the board in administering and effecting such purposes.~~

1 Sec. 8. No member of the State Board of Health shall be
2 liable in damages to any person for slander, libel, defamation of
3 character, breach of any privileged communication, or otherwise for
4 any action taken or recommendation made within the scope of the
5 functions of such board while acting as an agent of the state if
6 such board member acts without malice and in the reasonable belief
7 that such action or recommendation is warranted by the facts known
8 to him or her after a reasonable effort is made to obtain the facts
9 on which such action is taken or recommendation is made.

10 Sec. 9. This act becomes operative on October 1, 2003.

11 Sec. 10. Original sections 71-2602, 71-2603, 71-2606,
12 71-2607, and 71-2610, Reissue Revised Statutes of Nebraska, and
13 sections 71-2601 and 71-2610.01, Revised Statutes Supplement, 2002,
14 are repealed."

15 2. On page 1, line 2, after the fourth comma insert
16 "and"; in lines 2 and 3 strike "and 71-2610.01,"; and in line 4
17 strike "section 71-2601" and insert "sections 71-2601 and
18 71-2610.01".

LEGISLATIVE BILL 537. Placed on Select File as amended.
E & R amendment to LB 537:
AM7072

- 1 1. On page 2, line 9, strike "Voter Registration Cash"
- 2 and insert "Election Administration".

LEGISLATIVE BILL 228. Placed on Select File as amended.
E & R amendment to LB 228:
AM7074

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 provide a penalty;" and strike "and" and insert a comma; in line 6
- 3 after "license" insert ", and state identification card" and after
- 4 the semicolon insert "to change provisions relating to use of a
- 5 fund;".
- 6 2. On page 7, line 16, strike the comma and insert an
- 7 underscored period.

LEGISLATIVE BILL 228A. Placed on Select File.

LEGISLATIVE BILL 418. Placed on Select File as amended.
E & R amendment to LB 418:
AM7073

- 1 1. In the Standing Committee amendments, AM0224:
- 2 a. On page 2, line 15, strike "include" and insert
- 3 "includes"; and
- 4 b. On page 4, line 27; and page 5, lines 7 and 11,
- 5 strike "promulgated" and insert "adopted and promulgated pursuant".
- 6 2. On page 1, strike beginning with "section" in line 1
- 7 through line 4 and insert "sections 48-2201 to 48-2206, Reissue
- 8 Revised Statutes of Nebraska, and sections 48-1702 and 81-404,
- 9 Revised Statutes Supplement, 2002; to name the Non-English-Speaking
- 10 Workers Protection Act; to define terms; to eliminate a termination
- 11 date; to harmonize provisions; and to repeal the original
- 12 sections."

LEGISLATIVE BILL 157. Placed on Select File.

LEGISLATIVE BILL 54A. Placed on Select File.

LEGISLATIVE BILL 234A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 23CA. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications**LEGISLATIVE BILL 700.** Indefinitely postponed.**LEGISLATIVE BILL 706.** Indefinitely postponed.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

Senator Vrtiska designates LB 165 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hohbein, Dennis C. - State Fire Marshal - Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board**AMENDMENTS - Print in Journal**Senator Beutler filed the following amendment to LB 94:
AM0545

- 1 1. In the E and R amendments, AM7058:
- 2 a. On page 4, line 21, strike the first "to" and insert
- 3 "which shall"; and
- 4 b. On page 5, line 19, strike "shall" and insert "may".

Senator Beutler filed the following amendment to LB 158:
FA1180

In line 27, page 18 strike "money" and insert "cash funds"

Senator Chambers filed the following amendment to LB 429:
FA1181Page 2, line 16, strike "and"; in line 21, strike the period and insert "; and (c) the operator of the establishment has a written policy prohibiting discrimination in employment based on sexual orientation."Senator Schimek filed the following amendment to LR 14CA:
AM0544

- 1 1. On page 3, line 24, after "the" insert "state's tax".

Senator Schrock filed the following amendment to LB 94:
AM0550

(Amendments to E & R amendments, AM7058)

- 1 1. Strike section 17 and insert the following new
- 2 section:
- 3 "Sec. 17. The Private Onsite Wastewater Treatment System
- 4 Contractors Certification and System Registration Act does not
- 5 apply to a private onsite wastewater treatment system at an
- 6 electric generation facility site owned by a district organized
- 7 under Chapter 70, article 6.".
- 8 2. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 94:
AM0551

(Amendments to E & R amendments, AM7058)

- 1 1. On page 4, line 27, strike "Procedures" and insert
- 2 "Requirements".
- 3 2. On page 5, line 19, after "(2)" insert "Beginning
- 4 January 1, 2004, any private onsite wastewater treatment system
- 5 constructed, reconstructed, altered, modified, or inspected by a
- 6 certified professional shall be registered with the department by
- 7 the certified professional within forty-five days of completion of
- 8 the construction, reconstruction, alteration, modification, or
- 9 inspection. The certified professional shall submit the
- 10 registration on forms provided by the department and shall include
- 11 the registration fee. The registration fee shall be fifty dollars
- 12 until rules and regulations adopted and promulgated under the act
- 13 provide a schedule of system registration fees adequate to cover
- 14 direct and indirect program costs.
- 15 (3)".
- 16 3. On page 6, line 4, strike "(3)" and insert "(4)"; in
- 17 lines 5 and 11 strike "(2)" and insert "(3)"; and in line 10 strike
- 18 "(4)" and insert "(5)".

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

Friday, March 14, 2003

1:30 p.m.

Mark Pinkerton - Game and Parks Commission

William Zutavern - Game and Parks Commission

James Stuart - Game and Parks Commission

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 38. Introduced by Schimek, 27; Louden, 49.

WHEREAS, at its meeting on April 9, 2002, the Board of Trustees of the Nebraska State Colleges approved a resolution to rename the Old Library

Building at Chadron State College "The Mari Sandoz High Plains Heritage Center"; and

WHEREAS, the Old Library Building, built in 1929, has been renovated, and the Vernon Chicoine and Madge Fortune Chicoine Atrium has been added, so that the facility now houses the Mari Sandoz Museum with artifacts and archives, interpretive exhibit areas, and an archival repository, an extensive western history library with artifacts and collections devoted to the study of the history of the High Plains, a digital imaging lab, meeting rooms, and two major George Lundeen sculptures; and

WHEREAS, Mari Sandoz was born May 11, 1896, on the family homestead in Sheridan County in northwestern Nebraska; and

WHEREAS, against incredible odds and with limited formal education, she achieved statewide, national, and international acclaim for her story writing; and

WHEREAS, most of her twenty-three books continue to be reprinted and have been published in German, French, Italian, and Japanese and four were listed in 1954 by the Chicago Corral of the Westerners as being among the one hundred best books about the American West; and

WHEREAS, several Mari Sandoz books appeared as Book-of-the-Month Club selections and some of her books were adapted into motion pictures; and

WHEREAS, Mari Sandoz was inducted into the Nebraska Hall of Fame in 1976, one of only twenty-two Nebraskans to date to have received this distinguished recognition. In 1998 she was posthumously inducted into the Hall of Great Westerners of the National Cowboy and Western Heritage Museum; and

WHEREAS, the college plans to complete the facility with the eventual addition of a supporting conference and meeting center, focusing on the life of Mari Sandoz and her writings, that will attract more scholars, visitors, and tourists to the State of Nebraska and to the campus of Chadron State College; and

WHEREAS, on October 7, 2002, Governor Mike Johanns gave his approval of the proposed renaming of the facility as "The Mari Sandoz High Plains Heritage Center"; and

WHEREAS, Reissue Revised Statutes of Nebraska, 1943, section 81-1108.36, requires that name changes for state-owned structures be approved by the Governor and the Legislature.

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

1. That the Legislature approves the renaming of the Old Library Building, located at the west edge of the Chadron State College campus, as "The Mari Sandoz High Plains Heritage Center".

2. That the Legislature recognizes the significant accomplishment of this project funded with private donations and congratulates the Nebraska State Colleges on this important addition to the region and the state.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 529. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ken Meyer from Creighton; 30 eleventh- and twelfth-grade students and teacher from Hartland Lutheran High School, Grand Island; and 35 students and sponsor in the Grand Island Youth Leadership Tomorrow Program.

The Doctor of the Day was Dr. Les Veskrna from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 26, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

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

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 Senator Brown who was excused; and Senators Kremer, Landis, Dw. Pedersen, Tyson, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 2003, at 12:30 p.m. were the following: LBs 41, 76, 84e, 85e, 85Ae, 90, 126e, 131, 213, 214e, and 217e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

ANNOUNCEMENTS

Senator D. Pederson designates LB 146 as his priority bill.

Senator Hudkins designates LB 332 as her priority bill.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 571	Wednesday, March 12, 2003	1:30 p.m.
LB 572	Wednesday, March 12, 2003	1:30 p.m.

LB 783	Wednesday, March 12, 2003	1:30 p.m.
LB 620	Thursday, March 13, 2003	1:30 p.m.
LB 621	Thursday, March 13, 2003	1:30 p.m.
LB 545	Thursday, March 13, 2003	1:30 p.m.
LB 595	Thursday, March 13, 2003	1:30 p.m.
LB 42	Friday, March 14, 2003	1:30 p.m.
LB 622	Friday, March 14, 2003	1:30 p.m.
LB 507	Friday, March 14, 2003	1:30 p.m.
LB 508	Friday, March 14, 2003	1:30 p.m.
LB 509	Friday, March 14, 2003	1:30 p.m.
LB 697	Wednesday, March 19, 2003	1:30 p.m.
LB 657	Wednesday, March 19, 2003	1:30 p.m.
LB 596	Wednesday, March 19, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 292:

FA1184

1. P. 2, line 28, strike the period and add, "only if such organization does not practice discrimination in employment based on sexual orientation".

GENERAL FILE

LEGISLATIVE BILL 233. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 233A. 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.

Senators Hudkins and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 487. Title read. Considered.

The Standing Committee amendment, AM0311, found on page 577, was considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment was adopted with 27 ayes, 1 nay, 17

present and not voting, and 4 excused and not voting.

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

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

MOTION - Print in Journal

Senator Maxwell filed the following motion to LB 433:

Place LB 433 on General File notwithstanding the action of the Committee pursuant to Rule 3, Sec. 17.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 102A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 102, Ninety-eighth Legislature, First Session, 2003.

RESOLUTION

LEGISLATIVE RESOLUTION 39. Introduced by Connealy, 16.

WHEREAS, many Nebraska medicare beneficiaries are struggling with the high cost of prescription drugs; and

WHEREAS, the average per capita drug spending by Americans increased at an average annual rate of 9.8% per year between 1990 and 1999 and is expected to grow at a rate of 11.8% per year through 2010; and

WHEREAS, a recent survey of Nebraskans over fifty years of age found that 8% of those surveyed had out-of-pocket prescription drug costs in excess of \$500 per month; and

WHEREAS, Americans over sixty-five years of age account for 13% of the population, 34% of all prescriptions dispensed, and 42% of outpatient prescription drug spending; and

WHEREAS, sixty-nine percent of Nebraskans over sixty-five years of age do not have insurance coverage for prescription drugs; and

WHEREAS, the number of insurance companies that offer prescription drug coverage through medicare supplement insurance policies in the State of Nebraska has dropped from twenty-one in 1996 to three in 2002; and

WHEREAS, medicare does not cover most outpatient prescription drugs, resulting in a shift in coverage of those drugs to the medicaid program; and

WHEREAS, medicare coverage of prescription drugs would reduce the state's obligations for prescription drugs purchased through the medicaid program; and

WHEREAS, Nebraska medicare beneficiaries would benefit from medicare coverage of prescription drugs.

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

1. That the Legislature urges enactment of an affordable, voluntary medicare prescription drug benefit that is available to all medicare beneficiaries, regardless of where they live or the type of medicare coverage they select.

2. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's congressional delegation.

Laid over.

STANDING COMMITTEE REPORTS **Business and Labor**

LEGISLATIVE BILL 332. Placed on General File as amended.

Standing Committee amendment to LB 332:

AM0553

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.".

LEGISLATIVE BILL 725. Indefinitely postponed.

LEGISLATIVE BILL 733. Indefinitely postponed.

LEGISLATIVE BILL 752. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

GENERAL FILE

LEGISLATIVE BILL 111. Title read. Considered.

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

Advanced to E & R for review with 39 ayes, 0 nays, 7 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.

SELECT COMMITTEE REPORT **Enrollment and Review**

Correctly Reengrossed

The following bill was correctly reengrossed: LB 216.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 266. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 37A. 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 37, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE RESOLUTION 14CA. Read. Considered.

Senators Foley and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENT

Senator Kruse designates LB 208 as his priority bill.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 39 was referred to the Reference Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 449A. 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 449, Ninety-eighth Legislature, First Session, 2003.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 511. Placed on General File.

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendment to LB 248:
AM0574

1. On page 4, line 10, after the period insert "As part of developing the system, the State Treasurer shall establish an Internet auction website by contracting with an Internet service provider or internally establishing the website on behalf of the state investment officer. The website shall use forms approved by the party with statutory responsibility for the funds. Advertising or promotional materials for the competitive bidding process shall refer only to the State of Nebraska and shall not refer to any specific state agency, office, or officeholder."; in line 19 after the period insert "(1)" and reinstate the stricken matter; and in lines 19 and 20 strike the new matter.
2. On page 5, strike lines 2 through 8 and insert the following new subsection:
"(2) Competitive bidding may also be used to establish the rate of interest on the available remaining funds for investment under the Nebraska Capital Expansion Act. At the time of investment, the interest rate under this subsection shall be a rate not less than the prevailing market interest rate as offered in subsection (1) of this section."

LEGISLATIVE BILL 446. Indefinitely postponed.

LEGISLATIVE BILL 490. Indefinitely postponed.

LEGISLATIVE BILL 715. Indefinitely postponed.

(Signed) Mark Quandahl, Chairperson

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LR 14CA:
AM0560

1. On page 2, strike lines 23 through 27 and insert the following new subdivision:
"(a) Casino gaming includes games of chance played for money, credit, or any representative of value using cards; dice; equipment; play-activated electronic, video, or mechanical gaming devices; and other methods authorized by the Legislature; and".
2. On page 3, lines 8 and 17, after "restrict" insert "casino"; in line 13 after "such" insert "casino"; in line 22 after "of" insert "casino"; in line 24 after "the" insert "state's tax"; in line 25 after "from" insert "casino"; and in line 27 after

11 "which" insert "casino".

12 3. On page 4, line 2, after "conduct" insert "casino";
13 strike beginning with the first "or" in line 4 through "tribal" in
14 line 5 and insert "any tribal gaming"; in line 10 after "define"
15 insert "casino"; in line 12 after "permit" insert "casino"; and
16 strike line 14 and insert "the state's tax revenue from casino
17 gaming."

Senator Schrock filed the following amendment to LB 165:
AM0561

1 1. Insert the following new sections:
2 "Section 1. It is the intent of the Legislature that
3 costs incurred by the State of Nebraska attributable to the
4 shipment of high-level radioactive waste and transuranic waste in
5 or through the state shall be borne by the shipper.
6 Sec. 2. For purposes of sections 1 to 5 of this act:
7 (1) Department means the Department of Health and Human
8 Services Regulation and Licensure;
9 (2) High-level radioactive waste has the definition found
10 in section 81-1589; and
11 (3) Transuranic waste means waste material containing
12 alpha-emitting radioactive elements having an atomic number greater
13 than 92 in concentrations greater than ten nanocuries per gram.
14 Sec. 3. Until January 1, 2005, a fee of two thousand
15 dollars shall be assessed on each cask of high-level radioactive
16 waste or transuranic waste shipped in or through the state, whether
17 shipped by motor carrier or rail. On and after January 1, 2005,
18 the department shall establish and assess fees on all high-level
19 radioactive waste and transuranic waste shipped by any means in or
20 through the state. Such fees shall be equitable and shall be used
21 for purposes related to (1) shipping of high-level radioactive
22 waste and transuranic waste, including, but not limited to,
23 inspections, escorts, and security for waste shipment, planning,
24 and maintenance, (2) coordination of emergency response capability,
1 (3) education and training, (4) purchase of necessary equipment,
2 and (5) administrative costs attributable to the state agencies
3 which are incurred as related to the shipping of high-level
4 radioactive waste and transuranic waste. Fees assessed pursuant to
5 this section shall be paid in advance of shipment by the shipper.
6 Fees collected by the department under this section shall be
7 remitted to the State Treasurer for credit to the Radiation
8 Transportation Emergency Response Cash Fund.
9 Sec. 4. The Radiation Transportation Emergency Response
10 Cash Fund is created. The fund shall consist of fees credited
11 pursuant to section 3 of this act. The fund shall be used for the
12 purposes stated in such section. The Director-State Engineer, the
13 Superintendent of Law Enforcement and Public Safety, the Director
14 of Regulation and Licensure, the Adjutant General as director of
15 the Nebraska Emergency Management Agency, and the executive

16 director of the Public Service Commission, or their designees,
17 shall meet at least annually to recommend changes in the fees
18 charged and allocation of the fees collected among participating
19 agencies based upon their respective costs in carrying out such
20 section. Any money in the fund available for investment shall be
21 invested by the state investment officer pursuant to the Nebraska
22 Capital Expansion Act and the Nebraska State Funds Investment Act.
23 Sec. 5. The department may adopt and promulgate rules
24 and regulations to carry out sections 1 to 4 of this act.
25 Sec. 6. Sections 1 to 5 of this act do not apply to
26 high-level radioactive waste or transuranic waste shipped by or for
27 the United States Government for military, national security, or
1 national defense purposes. Sections 1 to 5 of this act do not
2 require disclosure of defense information or restricted data as
3 defined in the federal Atomic Energy Act of 1954.
4 Sec. 8. Sections 7 and 9 of this act become operative
5 three calendar months after adjournment of this legislative
6 session. The other sections of this act become operative on their
7 effective date.
8 Sec. 10. Since an emergency exists, this act takes
9 effect when passed and approved according to law."
10 2. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 165:
AM0562

1 1. Strike original section 2 and insert the following
2 new sections:
3 "Section 1. Section 18-2410, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 18-2410. Municipality shall mean (1) any city or village
6 incorporated under the laws of this state or any equivalent entity
7 incorporated under the laws of another state or (2) any public
8 entity organized under Chapter 70, article 6, and incorporated
9 under the laws of this state for the sole purpose of providing
10 wholesale electric energy to a single municipality which is
11 incorporated under the laws of this state.
12 Sec. 2. Section 18-2427, Reissue Revised Statutes of
13 Nebraska, is amended to read:
14 18-2427. Upon adoption of ordinances in accordance with
15 section 18-2420, a petition shall be addressed to the Nebraska
16 Power Review Board stating that it is the intent and purpose to
17 create an agency pursuant to sections 18-2426 to 18-2434, subject
18 to approval by the Nebraska Power Review Board. The petition shall
19 state the name of the proposed agency, the names of the proposed
20 participating municipalities, ~~the percentage of each participating~~
21 ~~municipality's total annual firm power requirements provided from a~~
22 ~~source other than a district or corporation organized pursuant to~~
23 ~~Chapter 70, article 6, 7, or 8, during each of the five calendar~~
24 ~~years preceding May 1, 1981,~~ the name and residence of each of the

1 directors so far as known, a certified copy of each of the
2 ordinances of the participating municipalities determining the need
3 for such an agency, a certified copy of the proceedings of each
4 municipality evidencing the director's right to office, a general
5 description of the operation in which the agency intends to engage,
6 and the location and method of operation of the proposed plants and
7 systems of the agency.

8 Sec. 3. Section 18-2430, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-2430. If any of the participating municipalities in
11 the agency has not received at least fifty percent of its total
12 annual firm power requirements for any one of the five years
13 preceding May 1, 1981, from a source other than a district or
14 corporation organized pursuant to Chapter 70, article 6, 7, or 8,
15 the Nebraska Power Review Board, upon receipt of such petition,
16 shall make an investigation of the proposed agency and its proposed
17 plants and systems. If the Nebraska Power Review Board determines
18 that the statements in the petition filed pursuant to section
19 18-2427 are true and conform to public convenience and welfare and,
20 so long as the plants, systems, and works, the operation of the
21 same, the exercise of powers, and the assumption of duties and
22 responsibilities of, or on the part of, such agency, do not
23 nullify, conflict with, or materially affect those of a district or
24 corporation organized under the provisions of Chapter 70, article
25 6, 7, or 8 or the Electric Cooperative Corporation Act, the
26 Nebraska Power Review Board or its successor shall, within thirty
27 days after the receipt of such petition, execute a certificate in
1 duplicate setting forth a true copy of the petition and declaring
2 that the petition has been approved.

3 Sec. 4. Section 18-2433, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 18-2433. (1) A petition for the creation of an agency
6 which intends to engage in the operation of power projects or the
7 generation or supply of electrical energy may be amended as
8 provided in this section. Upon a majority vote of the directors,
9 an agency may amend its petition for creation or may amend its
10 charter to provide for a change in the general description of the
11 nature of the business in which the agency is engaged, upon
12 petition to the Nebraska Power Review Board and approval by the
13 Nebraska Power Review Board in accordance with the procedure
14 established in sections 18-2426 to 18-2434.

15 (2) ~~With respect to the formation, organization, or~~
16 ~~operation of power projects or the generation or supply of electric~~
17 ~~energy, the amendments shall be approved if each new proposed~~
18 ~~participating municipality has for any one year during the five~~
19 ~~calendar years preceding May 1, 1981, received at least fifty~~
20 ~~percent of its total annual firm power requirements from a source~~
21 ~~other than a district or a corporation organized pursuant to~~
22 ~~Chapter 70, article 6, 7, or 8, and the statements in the petition~~

23 are deemed by the Nebraska Power Review Board to be true.

24 (3) If any new proposed municipality has not received at
25 least fifty percent of its total annual firm power requirements for
26 any one of the five calendar years preceding May 1, 1981, from a
27 source other than a district or corporation organized pursuant to
1 Chapter 70, article 6, 7, or 8 After notice to interested parties
2 and a public hearing which may be held at the option of the
3 Nebraska Power Review Board, such amendments shall be approved if
4 the board Nebraska Power Review Board, after notice to interested
5 parties and a public hearing, determines that the statements in the
6 petition are true and conform to public convenience and welfare,
7 and so long as the plants, systems, and works, the operation of the
8 same, the exercise of powers, and the assumptions of duties and
9 responsibilities of, or on the part of, such agency, do not
10 nullify, conflict with, or materially affect those of any other
11 district or a corporation organized under the provisions of Chapter
12 70, article 6, 7, or 8 or the Electric Cooperative Corporation Act,
13 or those of any part of such district or corporation.

14 Sec. 5. Section 18-2446, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 18-2446. (1) Money of the agency shall be paid out or
17 expended only upon the authorization or approval of the board of
18 directors by specific agreement, a written contract, or by a
19 resolution. All money of the agency shall be paid out or expended
20 only by check, draft, warrant, or other instrument in writing,
21 signed by the treasurer, assistant treasurer, or such other
22 officer, employee, or agent of the agency as shall be authorized by
23 the treasurer to sign in his or her behalf. Such authorization
24 shall be in writing and filed with the secretary of the agency.
25 (2) Money of the agency paid out or expended shall be
26 examined by the board of directors at a the next regular meeting
27 within two months following such expenditure.

1 (3) In the event that there is no treasurer's bond that
2 expressly insures the agency against loss resulting from the
3 fraudulent, illegal, negligent, or otherwise wrongful or
4 unauthorized acts or conduct by or on the part of any and every
5 person authorized to sign checks, drafts, warrants, or other
6 instruments in writing, there shall be procured and filed with the
7 secretary of the agency, together with the written authorization
8 filed with the secretary of the board, a surety bond, effective for
9 protection against such loss, in such form and penal amount and
10 with such corporate surety as shall be approved in writing by the
11 signed endorsement thereon of any two officers of the agency other
12 than the treasurer. The secretary shall report to the board at
13 each meeting any such bonds filed, or any change in the status of
14 any such bonds, since the last previous meeting of the board.

15 Sec. 7. Original sections 18-2427, 18-2430, 18-2433,
16 18-2446, and 70-627.02, Reissue Revised Statutes of Nebraska, are
17 repealed.

- 18 Sec. 8. The following section is outright repealed:
19 Section 18-2429, Reissue Revised Statutes of Nebraska."
20 2. Renumber the remaining section accordingly.

Senator Loudon filed the following amendment to LR 11CA:
AM0569

(Amendments to Standing Committee amendments, AM0298)

- 1 1. On page 1, line 3, after the first "gaming" insert
2 "to be conducted in licensed casinos in every county in the State
3 of Nebraska"; and in line 7 after the first period insert "The
4 county board of each county may grant licenses to operate casinos
5 in the manner prescribed by the Legislature.".

UNANIMOUS CONSENT - Add Cointroducers

Senators McDonald and Preister asked unanimous consent to have their names added as cointroducers to LB 111. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 487. No objections. So ordered.

VISITORS

Visitors to the Chamber were Adam and Terry Stake from Beatrice; Leslie Schacht from Lincoln Southeast High School; and Bill Luckey, Ed Klug, Ryan Loseke, and Alan Jedlicka from Columbus.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 27, 2003

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 2003

PRAYER

The prayer was offered by Pastor Terry Kenitz, Trinity Lutheran Church, Martinsburg, 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 Dw. Pedersen who was excused; and Senators Combs, Cunningham, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 160. Placed on Select File.

LEGISLATIVE BILL 250. Placed on Select File as amended.

E & R amendment to LB 250:

AM7077

- 1 1. On page 1, line 8, after "change" insert "and
- 2 eliminate"; and in lines 9 and 10 strike "to provide an
- 3 exception;".
- 4 2. On page 6, line 18, after "pastries" insert an
- 5 underscored comma.
- 6 3. On page 10, line 21, strike the period and insert ";
- 7 and".
- 8 4. On page 11, line 27, strike "under", show as
- 9 stricken, and insert "in".
- 10 5. On page 12, line 3, strike "under" and insert "in".
- 11 6. On page 17, line 28, strike "on-premises" and insert

12 "on the premises".

13 7. On page 29, line 12, strike "82-2,272.30" and insert

14 "81-2,272.30".

LEGISLATIVE BILL 273. Placed on Select File.

LEGISLATIVE BILL 274. Placed on Select File as amended.

E & R amendment to LB 274:

AM7075

- 1 1. On page 1, strike beginning with "section" in line 2
- 2 through line 5 and insert "sections 54-625, 54-626, and 54-627,
- 3 Revised Statutes Supplement, 2002; to require the provision of dog
- 4 and cat neutering information; to require neutering and spaying as
- 5 prescribed; to define and redefine terms; to require licensure of
- 6 pet shops; to harmonize provisions; and to repeal the original
- 7 sections."

LEGISLATIVE BILL 394. Placed on Select File as amended.

(E & R amendment, AM7076, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 142. Placed on Select File.

LEGISLATIVE BILL 692. Placed on Select File.

LEGISLATIVE BILL 233. Placed on Select File.

LEGISLATIVE BILL 233A. Placed on Select File.

LEGISLATIVE BILL 487. Placed on Select File as amended.

E & R amendment to LB 487:

AM7078

- 1 1. On page 2, line 20, strike the semicolon and insert a
- 2 colon.
- 3 2. On page 5, line 6, after "information" insert a
- 4 comma; in line 15 strike "that" and insert "than"; and in line 19
- 5 after the semicolon insert "and".
- 6 3. On page 7, line 6, strike "from either" and insert
- 7 "either from".
- 8 4. On page 8, line 2, after "score" insert a period.

LEGISLATIVE BILL 111. Placed on Select File.

(Signed) Ray Mossey, Chairperson

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

LB 730	Monday, March 10, 2003	1:30 p.m.
LB 586	Monday, March 10, 2003	1:30 p.m.
LB 585	Monday, March 10, 2003	1:30 p.m.

LB 251	Monday, March 10, 2003	1:30 p.m.
LB 16	Monday, March 10, 2003	1:30 p.m.
LB 631	Monday, March 10, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 14CA. Considered.

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

SPEAKER BROMM PRESIDING

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

Senator Schimek withdrew her pending amendment, AM0544, found on page 664.

Senator Schimek renewed her pending amendment, AM0560, found on page 674.

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

The Schimek amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Schrock renewed his pending amendment, AM0475, found on page 591.

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

Senator Erdman requested a ruling of the Chair on whether the Schrock amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Schrock amendment is not substantially the same as LR 6CA, which was indefinitely postponed by the General Affairs Committee, and would, therefore, require 25 votes.

Pending.

SELECT FILE

LEGISLATIVE BILL 107. Advanced to E & R for engrossment.

LEGISLATIVE BILL 114. E & R amendment, AM7055, found on page 586, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 257. Advanced to E & R for engrossment.

LEGISLATIVE BILL 331. Advanced to E & R for engrossment.

LEGISLATIVE BILL 52. E & R amendment, AM7056, found on page 586, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 365. E & R amendment, AM7057, found on page 586, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 443. E & R amendment, AM7061, found on page 615, was adopted.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 38. Read. Considered.

Senator Foley asked unanimous consent to be excused. No objections. So ordered.

LR 38 was adopted with 33 ayes, 0 nays, 13 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: LR 38.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
 LR 39 Health and Human Services

(Signed) Pat Engel, Chairperson
 Legislative Council
 Executive Board

MOTION - Print in Journal

Senator Brashear filed the following motion to LB 355:
 Bracket LB 355 to March 6, 2003.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 54:
 AM0548

(Amendments to E & R amendments, AM7059)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 71-1901, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 71-1901. For purposes of sections 71-1901 to 71-1906.01:
- 5 (1) Person includes a partnership, limited liability
- 6 company, firm, agency, association, or corporation;
- 7 (2) Child means an unemancipated minor;
- 8 (3) Department means the Department of Health and Human
- 9 Services;
- 10 (4) Foster care means engaged in the service of
- 11 exercising twenty-four-hour daily care, supervision, custody, or
- 12 control over children, for compensation or hire, in lieu of the
- 13 care or supervision normally exercised by parents in their own
- 14 home. Foster care does not include casual care at irregular
- 15 intervals or programs as defined in section 71-1910; ~~and~~
- 16 (5) Native American means a person who is a member of an
- 17 Indian tribe or eligible for membership in an Indian tribe; ~~and~~
- 18 (6) Relative means any person related to another by blood
- 19 or marriage to the third degree of consanguinity, including a
- 20 stepparent and stepchild and an adoptive parent and his or her
- 21 adopted child."
- 22 2. On page 2, line 5, strike "section 71-1904" and
- 23 insert "sections 71-1901 and 71-1904"; and in line 6 strike "is"
- 1 and insert "are".
- 2 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 273:

AM0587

(Amendments to AM0249)

- 1 1. On page 2, line 8, before "A" insert "The primary
- 2 enclosures of all licensees shall meet the following requirements:
- 3 (1)"; in line 12 strike the period and insert ";
- 4 (2)"; and in line 15 strike the period and insert ";
- 5 (3)".

Senator Chambers filed the following amendment to LB 274:
AM0588

(Amendments to AM0258)

- 1 1. On page 1, line 4, strike "any retailer" and insert
- 2 "pet shop or any other retailer".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 452A. 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 452, Ninety-eighth Legislature, First Session, 2003.

LEGISLATIVE BILL 559A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 559, Ninety-eighth Legislature, First Session, 2003.

LEGISLATIVE BILL 560A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 560, Ninety-eighth Legislature, First Session, 2003.

STANDING COMMITTEE REPORT Government, Military and Veterans Affairs

LEGISLATIVE BILL 656. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

Friday, March 14, 2003
Dennis C. Hohbein - State Fire Marshal

1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 27, 2003, summarizing the recommended appropriations for the following biennium.

VISITORS

Visitors to the Chamber were Dr. Susan Greenwald from Kearney; and former Senator Bud Robinson, Rusty Barr, and Jane Bauwman from Blair.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Friday, February 28, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 28, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 28, 2003

PRAYER

The prayer was offered by Pastor John Shields, Parkview Baptist Church, Lexington, Nebraska.

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 Dw. Pedersen who was excused; and Senators Bourne, Brashear, Landis, McDonald, Quandahl, Raikes, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 27, 2003, 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

Abrahamson, Jill M.
Metropolitan Community College

Hackman, Andrew R.
Consumer Specialty Products Association

Holys, Brandi
March of Dimes Birth Defects Foundation

Krutz, Jonathan
Gambling With the Good Life

Peters, William E.
Council of Independent Tobacco Manufacturers of America

Swift, Mark A.
Health Alliance, LLC (Withdrawn 02/24/2003)

Weber, Dale
Veterans & Social Societies Inc., Nebraska Council of Fraternal

Yost, Joseph T.
Consumer Specialty Products Association

Young, Philip M.
Philip Morris U.S.A.

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of
Microenterprise Development Act (LB 327) Report
Power Review Board
July 1, 2000 through June 30, 2002 Biennial Report

GENERAL FILE

LEGISLATIVE BILL 102A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 794. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to corporations; to amend sections 21-302, 21-303, 21-305, 21-311, 21-314, 21-321, 21-323.01, 21-325.01, 21-330, 21-20,182, 21-20,188, 21-2216, and 21-2217, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-304, 21-306, 21-313, 21-323, and 21-325, Revised Statutes Supplement, 2002; to change reporting, occupation tax, and fee provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to

repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1241.01 and 79-1243, Revised Statutes Supplement, 2002; to provide for pro rata distribution of core services funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 796. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to the school breakfast program; to amend section 79-10,138, Revised Statutes Supplement, 2002; to provide for pro rata reimbursement as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 797. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to the enrollment option program; to amend section 79-241, Revised Statutes Supplement, 2002; to eliminate provisions relating to transportation reimbursement; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2002; to transfer funds to the General Fund; and to repeal the original section.

LEGISLATIVE BILL 799. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to veterans; to amend section 80-401.01, Revised Statutes Supplement, 2002; to redefine veteran of the Vietnam War; and to repeal the original section.

LEGISLATIVE BILL 800. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to learners with high ability; to amend section 79-1108.02, Revised Statutes Supplement, 2002; to provide for a pro rata reduction in distributions as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 801. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-119.01, 53-121, 53-123.05, 53-123.14, 53-135, 53-135.01, and 53-149, Reissue Revised Statutes of Nebraska, and sections 53-123.12, 53-124, 53-124.11, 53-124.12, 53-130, 53-131, 53-132, and 53-138.01, Revised Statutes Supplement, 2002; to provide for biennial licenses and fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 802. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend section 81-1201.21, Revised Statutes Supplement, 2002; to authorize transfers to the General Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 803. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to Tax Equalization and Review Commission; to amend section 81-1174, Reissue Revised Statutes of Nebraska, and section 77-5004, Revised Statutes Supplement, 2002; to change membership requirements and expense reimbursement; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 804. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to game and parks; to amend section 37-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to the position of State Recreational Trails Coordinator; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to the Equal Opportunity Commission; to amend sections 20-113, 20-140, 20-142, 20-143, 20-306, 20-316, 20-322, 20-323, 20-332, 20-342, 20-343, 48-524, 48-1005, 48-1008, 48-1009, 48-1102, 48-1119, 48-1220, 48-1223, 48-1225, and 48-1227, Reissue Revised Statutes of Nebraska, and sections 20-139, 20-319, and 48-2401, Revised Statutes Supplement, 2002; to eliminate the Equal Opportunity Commission; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 20-113.01, 20-141, 20-305, 20-307, 20-308, 20-324 to 20-331, 20-333 to 20-341, 48-1007, 48-1116 to 48-1118, 48-1120 to 48-1123, and 48-1222, Reissue Revised Statutes of Nebraska.

GENERAL FILE

LEGISLATIVE RESOLUTION 14CA. Senator Schrock withdrew his pending amendment, AM0475, found on page 591 and considered on page 683.

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

Senator Beutler offered the following motion:
Indefinitely postpone LR 14CA.

Laid over.

LEGISLATIVE RESOLUTION 11CA. Read. Considered.

The Standing Committee amendment, AM0298, found on page 621, was considered.

Senator Loudon renewed his pending amendment, AM0569, found on page 679, to the Standing Committee amendment.

Senator Loudon withdrew his amendment.

SENATOR CUDABACK PRESIDING

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 102A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 52, 107, 114, 257, 331, 365, and 443.

ER9022

Enrollment and Review Change to LB 52

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7056, on page 1, line 15, "period" has been struck and "comma" inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 189. Placed on General File as amended.
Standing Committee amendment to LB 189:

AM0610

- 1 1. On page 2, line 28, after "thereof" insert "who
- 2 promotes, operates, or conducts a gift enterprise".

(Signed) Ray Janssen, Chairperson

Health and Human Services

LEGISLATIVE BILL 546. Placed on General File.

LEGISLATIVE BILL 95. Placed on General File as amended.
Standing Committee amendment to LB 95:

AM0576

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-605, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 71-605. (1) The funeral director and embalmer in charge
- 6 of the funeral of any person dying in the State of Nebraska shall
- 7 cause a certificate of death to be filled out with all the
- 8 particulars contained in the standard form adopted and promulgated
- 9 by the Department of Health and Human Services Finance and Support.
- 10 Such standard form shall include a space for certificate of veteran
- 11 status and the period of service in the armed forces of the United
- 12 States as defined in section 80-401.01 and a statement of the cause
- 13 of death made by a person holding a valid license as a physician
- 14 who last attended the deceased. The standard form shall also
- 15 include the deceased's social security number. Death and fetal

16 death certificates shall be completed by the funeral directors and
17 embalmers and physicians for the purpose of filing with the
18 department and providing child support enforcement information
19 pursuant to section 43-3340.

20 (2) The physician shall have the responsibility and duty
21 to complete and sign in his or her own handwriting, within
22 twenty-four hours from the time of death, that part of the
23 certificate of death entitled medical certificate of death. In the
24 case of a death when no person licensed as a physician was in
1 attendance, the funeral director and embalmer shall refer the case
2 to the county attorney for a death certificate.

3 No cause of death shall be certified in the case of the
4 sudden and unexpected death of a child between the ages of one week
5 and three years until an autopsy is performed at county expense by
6 a qualified pathologist pursuant to section 23-1824. The parents
7 or guardian shall be notified of the results of the autopsy by
8 their physician, community health official, or county coroner
9 within forty-eight hours. The term sudden infant death syndrome
10 shall be entered on the death certificate as the principal cause of
11 death when the term is appropriately descriptive of the pathology
12 findings and circumstances surrounding the death of a child.

13 If the circumstances show it possible that death was
14 caused by neglect, violence, or any unlawful means, the case shall
15 be referred to the county attorney for investigation and
16 certification. The county attorney shall, within twenty-four hours
17 after taking charge of the case, state the cause of death as
18 ascertained, giving as far as possible the means or instrument
19 which produced the death. All death certificates shall show
20 clearly the cause, disease, or sequence of causes ending in death.
21 If the cause of death cannot be determined within the period of
22 time stated above, the death certificate shall be filed to
23 establish the fact of death. As soon as possible thereafter, and
24 not more than six weeks later, supplemental information as to the
25 cause, disease, or sequence of causes ending in death shall be
26 filed with the department to complete the record. For all
27 certificates stated in terms that are indefinite, insufficient, or
1 unsatisfactory for classification, inquiry shall be made to the
2 person completing the certificate to secure the necessary
3 information to correct or complete the record.

4 (3) A completed death certificate shall be filed with the
5 Department of Health and Human Services Finance and Support within
6 five business days after the date of death. If it is impossible to
7 complete the certificate of death within five business days, the
8 funeral director and embalmer shall notify the department of the
9 reason for the delay and file the certificate as soon as possible.

10 (4) Before any dead human body may be cremated, a
11 cremation permit shall first be signed by the county attorney, or
12 by his or her authorized representative as designated by the county
13 attorney in writing, of the county in which the death occurred on a

14 form prescribed and furnished by the Department of Health and Human
15 Services Finance and Support.

16 (5) A permit for disinterment shall be required prior to
17 disinterment of a dead human body. The permit shall be issued by
18 the Department of Health and Human Services Finance and Support to
19 a licensed funeral director and embalmer upon proper application.
20 The request for disinterment shall be made by the next of kin of
21 the deceased, as listed in section 71-1339, or a county attorney on
22 a form furnished by the department. The application shall be
23 signed by the funeral director and embalmer who will be directly
24 supervising the disinterment. When the disinterment occurs, the
25 funeral director and embalmer shall sign the permit giving the date
26 of disinterment and file the permit with the department within ten
27 days of the disinterment.

1 (6) When a request is made under subsection (5) of this
2 section for the disinterment of more than one dead human body, an
3 order from a court of competent jurisdiction shall be submitted to
4 the Department of Health and Human Services Finance and Support
5 prior to the issuance of a permit for disinterment. The order
6 shall include, but not be limited to, the number of bodies to be
7 disinterred if that number can be ascertained, the method and
8 details of transportation of the disinterred bodies, the place of
9 reinterment, and the reason for disinterment. No sexton or other
10 person in charge of a cemetery shall allow the disinterment of a
11 body without first receiving from the department a disinterment
12 permit properly completed.

13 (7) No dead human body shall be removed from the state
14 for final disposition without a transit permit issued by the
15 funeral director and embalmer having charge of the body in
16 Nebraska, except that when the death is subject to investigation,
17 the transit permit shall not be issued by the funeral director and
18 embalmer without authorization of the county attorney of the county
19 in which the death occurred. No agent of any transportation
20 company shall allow the shipment of any body without the properly
21 completed transit permit prepared in duplicate.

22 (8) The interment, disinterment, or reinterment of a dead
23 human body shall be performed under the direct supervision of a
24 licensed funeral director and embalmer, except that hospital
25 disposition may be made of the ~~dead human body of a stillborn~~
26 ~~infant with due respect for the stillborn infant and in accordance~~
27 ~~with existing law when requested by the parents or legal guardian~~
1 remains of a child born dead pursuant to section 4 of this act.

2 (9) All transit permits issued in accordance with the law
3 of the place where the death occurred in a state other than
4 Nebraska shall be signed by the funeral director and embalmer in
5 charge of burial and forwarded to the Department of Health and
6 Human Services Finance and Support within five business days after
7 the interment takes place.

8 Sec. 2. Section 71-606, Revised Statutes Supplement,

9 2002, is amended to read:

10 71-606. A child born dead shall be registered as a fetal
11 death on a certificate form furnished by the Department of Health
12 and Human Services Finance and Support. Such certificate shall not
13 be required for a child which has not advanced to the twentieth
14 week of gestation. The certificate shall be filed with the
15 department by the funeral director and embalmer in charge of the
16 funeral and shall include a statement of the cause of death made by
17 a person holding a valid license as a physician who was in
18 attendance. In the event of hospital disposition, as provided in
19 section ~~71-605~~ 4 of this act, the entire certificate shall be
20 completed by the attending physician and subscribed to also by the
21 hospital administrator or his or her designated representative. If
22 the attendant is not a physician, the death shall be referred to
23 the county attorney for certification. The same time limit for
24 completion shall apply as for a regular death certificate.

25 Sec. 3. Section 71-1339, Revised Statutes Supplement,
26 2002, is amended to read:

27 71-1339. Except as otherwise provided in section 4 of
1 this act, the The right to control the disposition of the remains
2 of a deceased person, subject to section 23-1824 and unless other
3 directions have been given by the decedent, vests in the following
4 persons in the order named: (1) The surviving spouse; (2) if the
5 surviving spouse is incompetent or not available, or if there be no
6 surviving spouse, adult child of the decedent; (3) a surviving
7 parent of the decedent; (4) an adult brother or sister of the
8 decedent; (5) an adult person in the next degrees of kindred in the
9 order named by the laws of Nebraska as entitled to succeed to the
10 estate of the decedent; (6) the State Anatomical Board; or (7) the
11 county board of the county in which death occurred.

12 The liability for the reasonable cost of interment
13 devolves jointly and severally upon all kin of the decedent in the
14 same degree of kindred and upon the estate of the decedent and, in
15 cases when the county board has the right to control disposition of
16 the remains under subdivision (7) of this section, upon the county
17 in which death occurred from funds available for such purpose.

18 Sec. 4. (1) Every hospital licensed in the State of
19 Nebraska shall maintain a written policy for the disposition of the
20 remains of a child born dead at such hospital. The parent of such
21 child shall have the right to direct the disposition of such
22 remains, except that disposition may be made by the hospital if no
23 such direction is given by the parent within fourteen days
24 following the delivery of such remains. Such policy and such
25 disposition shall comply with all applicable provisions of state
26 and federal law. Upon the delivery of a child born dead, the
27 hospital shall notify the parent of such parent's right to direct
1 the disposition of the remains of such child and shall provide the
2 parent with a copy of its policy with respect to such disposition.
3 (2) For purposes of this section, child born dead means a

4 child at any stage of gestation (a) who has died in utero and (b)
 5 whose identifiable remains have been removed from the uterus of the
 6 mother. This section shall not apply to the performance of an
 7 elective abortion.

8 Sec. 5. The Revisor of Statutes shall assign section 4
 9 of this act to Chapter 71, article 20.

10 Sec. 6. Original sections 71-605, 71-606, and 71-1339,
 11 Revised Statutes Supplement, 2002, are repealed."

LEGISLATIVE BILL 473. Placed on General File as amended.

Standing Committee amendment to LB 473:

AM0591

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act becomes operative on January 1,
- 3 2013."
- 4 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 413. Indefinitely postponed.

LEGISLATIVE BILL 702. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 143:
 (Amendment, AM0611, is printed separately and available in the Bill Room,
 Room 1104.)

Senator Hartnett filed the following amendment to LB 272:

AM0585

(Amendments to Standing Committee amendments, 0331)

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 28-1005, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-1005. (1) No person shall knowingly:
- 5 (a) Promote, engage in, or be employed at dogfighting,
- 6 cockfighting, bearbaiting, or pitting an animal against another;
- 7 (b) Receive money for the admission of another person to
- 8 a place kept for such purpose;
- 9 (c) Own, use, train, sell, or possess an animal for such
- 10 purpose; or
- 11 (d) Permit any act as described in this subsection to
- 12 occur on any premises owned or controlled by him or her.
- 13 (2) Any person violating subsection (1) of this section
- 14 shall be guilty of a ~~Class I misdemeanor for the first conviction.~~
- 15 ~~A person convicted of violating any provision of subsection (1) of~~
- 16 ~~this section for a second or subsequent time shall be guilty of a~~
- 17 ~~Class IV felony.~~
- 18 (3) No person shall knowingly and willingly be present at

19 and witness as a spectator dogfighting, cockfighting, bearbaiting,
 20 or the pitting of an animal against another as prohibited in
 21 subsection (1) of this section. Any person who violates any
 22 provision of this subsection shall be guilty of a ~~Class I~~
 23 ~~misdemeanor~~ Class IV felony.

1 Sec. 5. Section 28-1009, Revised Statutes Supplement,
 2 2002, is amended to read:

3 28-1009. (1) A person who abandons or cruelly neglects
 4 an animal is guilty of a ~~Class II misdemeanor for the first offense~~
 5 ~~and a Class I misdemeanor for any subsequent offense.~~

6 ~~(2) A (2)(a) Except as provided in subdivision (b) of~~
 7 ~~this subsection, a person who cruelly mistreats an animal is guilty~~
 8 ~~of a Class I misdemeanor for the first offense and a Class IV~~
 9 ~~felony for any subsequent offense.~~

10 (b) A person who cruelly mistreats an animal is guilty of
 11 a Class IV felony if such cruel mistreatment involves the knowing
 12 and intentional torture, repeated beating, or mutilation of the
 13 animal.

14 (3) A person commits harassment of a police animal if he
 15 or she knowingly and intentionally teases or harasses a police
 16 animal in order to distract, agitate, or harm the police animal for
 17 the purpose of preventing such animal from performing its
 18 legitimate official duties. Harassment of a police animal is a
 19 Class IV misdemeanor unless the harassment is the proximate cause
 20 of the death of the police animal, in which case it is a Class IV
 21 felony."

22 2. On page 6, line 7, strike "28-1008" and insert
 23 "28-1005, 28-1008,"; and in line 8 strike "section 28-101" and
 24 insert "sections 28-101 and 28-1009".

Senator Chambers filed the following amendment to LB 688:
 FA1185

Amend Committee Amendment AM0074

In line 9, strike "three" and insert "four".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 794	Revenue
LB 795	Education
LB 796	Education
LB 797	Education
LB 798	Appropriations
LB 799	Government, Military and Veterans Affairs
LB 800	Education
LB 801	General Affairs
LB 802	Appropriations

LB 803	Revenue
LB 804	Natural Resources
LB 805	Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 754. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were Julie, David, Rachel, Seth, and John Mark Shields from Lexington; Jonathan, Jim, Joshua, Rachel, and Mary Trexel from Ceresco; 42 fourth-grade students and teacher from Valley; and 31 fourth-grade students and teacher from Arapahoe.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Monday, March 3, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 3, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 3, 2003

PRAYER

The prayer was offered by Senator Schrock.

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 Senators Dw. Pedersen and Smith who were excused; and Senators Brashear, Bromm, Maxwell, Synowiecki, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

NOTICE OF COMMITTEE HEARING

Education
Room 1525

LB 795	Tuesday, March 11, 2003	1:30 p.m.
LB 796	Tuesday, March 11, 2003	1:30 p.m.
LB 797	Tuesday, March 11, 2003	1:30 p.m.
LB 800	Tuesday, March 11, 2003	1:30 p.m.

(Signed) Ron Raikes, Chairperson

MOTION - Print in Journal

Senator Vrtiska filed the following motion:

For the introduction of the state claims bills, Req. No. 1140 and Req. No. 1141, by the Business and Labor Committee, pursuant to Rule 5, Section 4(c)(2).

SELECT FILE

LEGISLATIVE BILL 102A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 385. Senator Beutler offered the following amendment:

AM0615

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 13-2705, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 13-2705. The department may conditionally approve grants
- 6 of assistance from the fund to eligible and competitive applicants
- 7 within the following limits:
- 8 (1) ~~The minimum amount allowed to be applied for by a~~
- 9 ~~single project is twenty thousand dollars; and A grant request~~
- 10 ~~shall be at least twenty thousand dollars but no more than:~~
- 11 (a) For a city of the primary class, one million dollars;
- 12 (b) For a municipality with a population of forty
- 13 thousand but less than one hundred thousand, five hundred thousand
- 14 dollars;
- 15 (c) For a municipality with a population of twenty
- 16 thousand but less than forty thousand, four hundred thousand
- 17 dollars;
- 18 (d) For a municipality with a population of ten thousand
- 19 but less than twenty thousand, three hundred thousand dollars;
- 20 (e) For a municipality with a population of five thousand
- 21 but less than ten thousand, two hundred thousand dollars; and
- 22 (f) For a municipality with a population of less than
- 23 five thousand, one hundred thousand dollars;
- 24 (2) Assistance from the fund shall not amount to more
- 1 than fifty percent of the cost of construction, renovation, or
- 2 expansion; and
- 3 (3) A municipality shall not be awarded more than one
- 4 grant in any five-year period.
- 5 Sec. 2. Section 13-2706, Revised Statutes Supplement,
- 6 2002, is amended to read:
- 7 13-2706. Any municipality, except a city of the
- 8 metropolitan class, or county may apply for a grant of assistance
- 9 from the fund. Application shall be made on forms developed by the
- 10 department. ~~The applicant may receive assistance only once for~~
- 11 ~~construction, renovation, or expansion of any one center.~~
- 12 Sec. 3. Section 13-2707, Revised Statutes Supplement,
- 13 2002, is amended to read:
- 14 13-2707. The department shall evaluate all applications
- 15 for grants of assistance based on the following criteria:
- 16 (1) Attraction impact. Funding decisions by the
- 17 department shall be based in part on the likelihood of the project
- 18 attracting new cultural, civic, or convention activity to Nebraska

19 from outside of Nebraska. A project with greater out-of-state draw
20 shall be preferred over a project with less impact;

21 (2) Socioeconomic impact. The project's potential for
22 long-term positive impacts on the local and regional economy and
23 society;

24 (3) Financial support. Assistance from the fund shall be
25 matched at least equally from local sources. At least eighty
26 percent of the local match must be in cash. Projects with a higher
27 level of local matching funds shall be preferred as compared to
1 those with a lower level of matching funds; ~~and~~

2 (4) Readiness. The applicant's fiscal and economic
3 capacity to finance the local share and ability to proceed and
4 implement its plan and operate the convention center; and

5 (5) Project location. A project shall be located in the
6 municipality that applies for the grant.

7 Sec. 4. Section 13-2708, Revised Statutes Supplement,
8 2002, is amended to read:

9 13-2708. If a grant of assistance is approved by the
10 department, the applicant shall receive conditional approval of the
11 level of assistance. Projects shall receive funding from the fund
12 in the order conditional approval is received and whenever there is
13 sufficient money in the fund to provide the assistance, ~~in full.~~
14 It is the intent of the Legislature to appropriate funds to support
15 projects which have received conditional approval from the
16 department. A grant of assistance shall be finally approved when
17 funds for the project are appropriated by the Legislature.

18 Sec. 5. Original sections 13-2705 to 13-2708, Revised
19 Statutes Supplement, are repealed."

The Beutler 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 451. E & R amendment, AM7054, found on page
577, was adopted.

Senator Stuhr renewed her pending amendment, AM0441, found on page
606.

The Stuhr 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 158. E & R amendment, AM7053, printed
separately and referred to on page 578, was adopted.

Senator Beutler withdrew his pending amendment, FA1180, found on page 664.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 150. Senator Beutler withdrew his pending amendment, AM0420, found on page 569.

Senator Beutler offered the following amendment:
AM0628

- 1 1. On page 2, line 18, strike "representative", show as
- 2 stricken, and insert "employee or member of the board of
- 3 commissioners"; in line 19 strike "knowingly" and show as stricken;
- 4 in line 20 strike "which", show as stricken, and insert "knowing
- 5 it"; and in line 21 strike "misconduct in office", show as
- 6 stricken, and insert "a Class II misdemeanor".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 94. E & R amendment, AM7058, printed separately and referred to on page 614, was adopted.

Senator Beutler withdrew his pending amendment, AM0545, found on page 664.

Senator Schrock renewed his pending amendment, AM0550, found on page 664.

The Schrock amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Schrock renewed his pending amendment, AM0551, found on page 665.

The Schrock amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:
AM0554

(Amendments to E & R amendments, AM7058)

- 1 1. On page 2, lines 24 and 25, strike "industrial
- 2 wastewater" and insert "nondomestic wastewater, but not including
- 3 wastewater from a livestock waste control facility".
- 4 2. On page 4, line 21, strike the first "to" and insert
- 5 "which shall"; and
- 6 3. On page 5, line 19, strike "shall" and insert "may".

The Beutler amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 143. Senator Synowiecki withdrew his pending amendment, AM0460, found on page 609.

Senator Schrock renewed his pending amendment, AM0611, printed separately and referred to on page 698.

SENATOR CUDABACK PRESIDING

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

The Schrock amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 143A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 164. E & R amendment, AM7060, found on page 614, was adopted.

Senator Beutler renewed his pending amendment, AM0459, found on page 644.

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 164A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 54. E & R amendment, AM7059, found on page 614, was adopted.

Senator Raikes renewed his pending amendment, AM0548, found on page 685.

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

The Raikes amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Jensen offered the following amendment:

FA1186

Amend E & R Amendments AM7059

1. On page 1, line 20 after "waived" insert "in whole or in part".

Senators Foley, Mines, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The Jensen amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

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

Senator Chambers offered the following amendment:

FA1187

Amend AM0548

P. 1, line 21, strike period and add "without regard to sexual orientation."

Senators Aguilar, Burling, and Redfield asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Erdman offered the following motion:

Reconsider the Raikes Amendment AM0548.

Senator Beutler asked unanimous consent to be excused. No objections. So ordered.

The Erdman motion to reconsider prevailed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The Raikes reconsidered amendment, AM0548, found on page 685 and considered in this day's Journal, was renewed.

Senator Raikes withdrew his pending amendment, AM0548.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 54A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 524. E & R amendment, AM7064, found on page 628, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 60. E & R amendment, AM7062, found on page 629, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 707. Placed on General File.

LEGISLATIVE BILL 607. Placed on General File as amended.
(Standing Committee amendment, AM0620, is printed separately and available in the Bill Room, Room 1104.)

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 637. Placed on General File.

LEGISLATIVE BILL 144. Placed on General File as amended.
Standing Committee amendment to LB 144:
AM0575

- 1 1. On page 4, line 7, strike "or"; and in line 8 before
- 2 the period insert ", or (f) used as a raw material in steelmaking".
- 3 2. On page 5, strike beginning with "cannot" in line 10
- 4 through the last "tires" in line 13 and insert "are nonrecyclable."
- 5 For purposes of this subsection, nonrecyclable tire means a
- 6 press-on solid tire, a solid pneumatic shaped tire, or a foam
- 7 pneumatic tire".
- 8 3. On page 11, line 6, after "incinerate" insert
- 9 "combustible".
- 10 4. On page 13, strike lines 5 through 12; in line 13
- 11 strike "(5)", show as stricken, and insert "(4)"; and in line 17
- 12 strike "(6)", show as stricken, and insert "(5)".
- 13 5. On page 14, line 1, strike "(7)", show as stricken,
- 14 and insert "(6)"; and in line 7 strike "(8)", show as stricken, and
- 15 insert "(7)".
- 16 6. On page 17, strike beginning with the comma in line
- 17 19 through line 21, show the old matter as stricken, and insert an
- 18 underscored period.

LEGISLATIVE BILL 641. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 713. Placed on General File.

LEGISLATIVE BILL 608. Placed on General File as amended.

(Standing Committee amendment, AM0621, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 98. Indefinitely postponed.

LEGISLATIVE BILL 224. Indefinitely postponed.

LEGISLATIVE BILL 517. Indefinitely postponed.

LEGISLATIVE BILL 576. Indefinitely postponed.

LEGISLATIVE BILL 623. Indefinitely postponed.

LEGISLATIVE BILL 668. Indefinitely postponed.

LEGISLATIVE BILL 705. Indefinitely postponed.

LEGISLATIVE BILL 731. Indefinitely postponed.

LEGISLATIVE BILL 758. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 102A.

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 735A. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 735, Ninety-eighth Legislature, First Session, 2003.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

Room 2102

LB 442	Wednesday, March 12, 2003	12:15 p.m.
LB 544	Wednesday, March 12, 2003	12:15 p.m.
LR 21CA	Wednesday, March 12, 2003	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

Agriculture
Room 2102

Tuesday, March 11, 2003
Jo Kinsey - State Fair Board
Sallie Atkins - State Fair Board
Frank Partsch - State Fair Board
John Peetz - State Fair Board

1:30 p.m.

(Signed) Bob Kremer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 40. Introduced by Combs, 32.

WHEREAS, Mr. Richard Reinke, who turned eighty years old on June 16, 2002, celebrated his birthday on June 19 with his children, Pat, Jennifer, Sandy, Russ, and Robert, his sixteen grandchildren, and his wife, Edna, to whom he has been married for fifty-five years; and

WHEREAS, Mr. Reinke founded the Reinke Manufacturing Company in 1954 in Deshler, Nebraska. The Reinke Manufacturing Company is one of the world's oldest and largest manufacturers of center pivot and lateral move irrigation systems; and

WHEREAS, Reinke Manufacturing Company also manufactures over-the-road trailer equipment, bridge beams, and shake shingles along with several other products; and

WHEREAS, Mr. Reinke and the employees of the Reinke Manufacturing Company have contributed greatly to the community of Deshler, Nebraska.

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

1. That the Legislature congratulates Mr. Reinke on his eightieth birthday and for the creation and development of his successful company.

2. That a copy of this resolution be sent to Mr. Richard Reinke.

Laid over.

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
Gary Parker

VOTE: Aye: Senators Friend, Hudkins, Jones, Kremer, Loudon, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

MESSAGE FROM THE GOVERNOR

March 3, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 41, 76, 84e, 85e, 85Ae, 90, 126e, 131, 213, 214e, and 217e were received in my office on February 25, 2003.

These bills were signed by me on March 3, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

AMENDMENTS - Print in Journal

Senators Engel and Kremer filed the following amendment to LB 160:
(Amendment, AM0629, is printed separately and available in the Bill Room, Room 1104.)

Senator Byars filed the following amendment to LB 61:
AM0540

- 1 1. On page 5, line 11, strike "an actuarial balance
- 2 sheet" and insert "a pricing analysis".

Senator Jensen filed the following amendment to LB 175:
AM0521

- 1 1. On page 3, line 1, strike "a capital stock industrial
- 2 loan and investment company.".

Senator Jensen filed the following amendment to LB 234:
AM0589

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) The Department of Health and Human
- 4 Services shall establish an administrative disqualification process
- 5 for the aid to dependent children program described in section
- 6 43-512 and the child care subsidy program established pursuant to
- 7 section 68-1202. The department may initiate an administrative
- 8 disqualification proceeding when it has reason to believe, on the
- 9 basis of sufficient documentary evidence, that an individual has

10 committed an intentional program violation. Proceedings under this
11 section shall be subject to the Administrative Procedure Act.

12 (2) If an individual is found to have committed an
13 intentional program violation, a period of disqualification shall
14 be imposed. The period may be determined by the Director of Health
15 and Human Services after an administrative disqualification
16 hearing, or without a hearing if the individual waives his or her
17 right to such hearing. The period of disqualification shall be:
18 (a) For a first violation, up to one year; (b) for a second
19 violation, up to two years; and (c) for a third violation,
20 permanent disqualification. The penalties described in this
21 subsection shall also be imposed if the individual is found by a
22 court to have violated section 68-1017.

23 (3) For the aid to dependent children program, only the
24 individual found to have committed the intentional program
1 violation shall be disqualified under this section. For the child
2 care subsidy program, the individual found to have committed the
3 intentional violation shall disqualify such individual and his or
4 her family under this section. The department shall inform each
5 applicant in writing of the penalties described in this section for
6 intentional program violations each time an application for
7 benefits is made to either program.

8 (4) For purposes of this section, intentional program
9 violation means any action by an individual to intentionally (a)
10 make a false statement, either verbally or in writing, to obtain
11 benefits to which the individual is not entitled, (b) conceal
12 information to obtain benefits to which the individual is not
13 entitled, or (c) alter one or more documents to obtain benefits to
14 which the individual is not entitled.

15 (5) The department may adopt and promulgate rules and
16 regulations to carry out this section.

17 Sec. 2. This act becomes operative on January 1, 2004."

Senator Kremer filed the following amendment to LB 250:
AM0630

- 1 1. Strike the Standing Committee amendment, AM0211.
- 2 2. On page 7, line 10, strike "and" and show as
- 3 stricken; and in line 14 after "areas" insert "; and
- 4 (9) A pharmacy as defined in section 71-425 if the
- 5 pharmacy only sells prepackaged pharmaceutical, medicinal, or
- 6 health supplement foods that are not potentially hazardous or foods
- 7 described in subdivision (1) of this section".

Senator Raikes filed the following amendment to LB 394:
AM0583

(Amendments to E & R amendments, AM7076)

- 1 1. On page 8, line 18, strike "birth" and insert "five";
- 2 and in line 25 strike "twenty" and insert "eighteen".

Senator Baker filed the following amendment to LB 563:
AM0590

- 1 1. Insert the following new section:
- 2 "Sec. 22. Section 60-305.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-305.02. Trucks, truck-tractors, semitrailers,
- 5 trailers, or buses, from ~~states~~ jurisdictions other than Nebraska,
- 6 entering Nebraska shall be required to comply with all the laws and
- 7 regulations of any nature imposed on Nebraska trucks,
- 8 truck-tractors, semitrailers, trailers, or buses unless the ~~state~~
- 9 ~~or states~~ jurisdictions in which such trucks, truck-tractors,
- 10 semitrailers, trailers, or buses are domiciled grant reciprocity
- 11 comparable to that extended by the laws of Nebraska."
- 12 2. On page 3, line 22; page 5, line 4; page 6, line 5;
- 13 page 12, line 8; and page 40, line 21, strike "interstate", show as
- 14 stricken, and insert "interjurisdiction".
- 15 3. On page 23, line 27, strike "Foreign trucks", show as
- 16 stricken, and insert "Trucks" and after "buses" insert "from other
- 17 jurisdictions".
- 18 4. On page 40, line 17, strike "foreign" and show as
- 19 stricken; in line 18 after "buses" insert "from other
- 20 jurisdictions" and strike "intrastate", show as stricken, and
- 21 insert "intrajurisdiction".
- 22 5. On page 41, lines 21 and 22, strike "interstate and
- 23 intrastate", show as stricken, and insert "interjurisdiction and
- 24 intrajurisdiction".
- 1 6. On page 80, line 16, strike "intrastate", show as
- 2 stricken, and insert "intrajurisdiction".
- 3 7. On page 95, line 18, after the first comma insert
- 4 "60-305.02,".
- 5 8. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Don Edwards from Crofton; 30 twelfth-grade students and teacher from Wilcox-Hildreth Public School; Beth Maricle from Albion; and 6 journalism students and teacher from Union College, Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, March 4, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 4, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 4, 2003

PRAYER

The prayer was offered by Pastor Troy Reynolds, First Church of Christ, Wayne, 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, Brown, Landis, and McDonald who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

LB 799	Friday, March 14, 2003	1:30 p.m.
LB 805	Friday, March 14, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

STANDING COMMITTEE REPORT
Education

The Education 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 Colleges Board of Trustees
Willa Kosman
William Roskens

VOTE: Aye: Senators Schrock, McDonald, Raikes, Stuhr, Byars, and Maxwell. Nay: None. Absent: Senators Bourne and Brashear.

(Signed) Ron Raikes, Chairperson

MESSAGE FROM THE GOVERNOR

February 28, 2003

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

Dear Mr. President, Speaker Bromm, and Senators:

Please withdraw George Morrisey's name from confirmation to the State Electrical Board, as he was previously confirmed.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

say/

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. The Standing Committee amendment, AM0298, found on page 621 and considered on page 693, lost with 0 ayes, 28 nays, 17 present and not voting, and 4 excused and not voting.

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

Senators Janssen, Schimek, Connealy, Schrock, Beutler, and Bourne offered the following amendment:

AM0656

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following 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, 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)(a) For purposes of this subsection, gaming means any
16 game of chance played with cards, dice, equipment, or a machine for
17 money, credit, or any representative of value.

18 (b) Nothing in the Constitution of Nebraska shall be
19 construed to prohibit or restrict gaming operated by a federally
20 recognized Indian tribe in Nebraska when such gaming is conducted
21 in accordance with federal law.

22 (c) The Legislature may authorize gaming at up to eight
23 facilities in the State of Nebraska. The Legislature shall provide
24 for the operation, regulation, and taxation of gaming at such
25 facilities."

26 Sec. 2. The proposed amendment shall be submitted to the
27 electors in the manner prescribed by the Constitution of Nebraska,

1 Article XVI, section 1, with the following ballot language:

2 "A constitutional amendment to define gaming, to permit
3 gaming operated by Indian tribes, to provide authority
4 for the Legislature to authorize gaming at up to eight
5 facilities in the State of Nebraska, and to require the
6 Legislature to provide for the operation, regulation, and
7 taxation of gaming at such facilities.

8 For

9 Against".

Pending.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 417. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Revenue

LEGISLATIVE BILL 539. Placed on General File as amended.

Standing Committee amendment to LB 539:

AM0647

1 1. On page 2, strike the new matter in lines 12 through
2 14 and insert "Land that was in agricultural or horticultural use,
3 assessed under the special valuation provisions of section 77-1344,
4 and subsequently placed in a conservation easement which prevents
5 the land from conversion to a more intense use shall remain
6 agricultural or horticultural land eligible for special
7 valuation.".

(Signed) David Landis, Chairperson

MOTION - Print in Journal

Senator Combs filed the following motion to LR 40:

Withdraw LR 40.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Introduced by Combs, 32.

WHEREAS, Mr. Richard Reinke, who turned eighty years old on June 16, 2002, passed away on February 27, 2003, leaving five children, Pat, Jennifer, Sandy, Russ, and Robert, his sixteen grandchildren, and his wife, Edna, to whom he has been married for fifty-five years; and

WHEREAS, Mr. Reinke founded the Reinke Manufacturing Company in 1954 in Deshler, Nebraska. The Reinke Manufacturing Company is one of the world's oldest and largest manufacturers of center pivot and lateral move irrigation systems; and

WHEREAS, Reinke Manufacturing Company also manufactures over-the-road trailer equipment, bridge beams, and shake shingles along with several other products; and

WHEREAS, Mr. Reinke and the employees of the Reinke Manufacturing Company have contributed greatly to the community of Deshler, Nebraska.

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

1. That the Legislature expresses its condolences to the Reinke family.
2. That a copy of this resolution be sent to the family of Richard Reinke.

Laid over.

ANNOUNCEMENTS

Senator Friend designates LB 148 as his priority bill.

The Revenue Committee designates LB 608 as its priority bill.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 273:
AM0649

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 "Section 1. (1) For purposes of this section:
- 4 (a) Reasonably suspects means a basis for reporting
- 5 knowledge or a set of facts that would lead a person of ordinary
- 6 care and prudence to believe and conscientiously entertain a strong
- 7 suspicion that criminal activity is at hand or that a crime has
- 8 been committed; and
- 9 (b) Employee means any employee of an agency relating to
- 10 a governmental child or adult protective services, animal control,
- 11 or animal abuse.
- 12 (2) Any employee, while acting in his or her professional
- 13 capacity or within the scope of his or her employment, who observes
- 14 or is involved in an incident which leads the employee to
- 15 reasonably suspect that an animal has been abandoned, cruelly
- 16 neglected, or cruelly mistreated shall report such to the entity or
- 17 entities that investigate such reports in that jurisdiction.
- 18 (3) The report shall be made within two working days of
- 19 acquiring the information concerning the animal by facsimile
- 20 transmission of a written report presented in the form described in
- 21 subsection (6) of this section or by telephone. When an immediate
- 22 response is necessary to protect the health and safety of the
- 23 animal or others, the report shall be made by telephone as soon as
- 24 possible.
- 1 (4) Nothing in this section shall be construed to impose
- 2 a duty to investigate observed or reasonably suspected animal
- 3 abandonment, cruel neglect, or cruel mistreatment. Any person
- 4 making a report under this section is immune from liability except
- 5 for false statements of fact made with malicious intent.
- 6 (5) Reports made pursuant to this section shall include:
- 7 (a) The reporter's name and title, business address, and
- 8 telephone number;
- 9 (b) The name, if known, of the animal owner or custodian,
- 10 whether a business or individual;

11 (c) A description of the animal or animals involved,
12 person or persons involved, and location of the animal or animals
13 and the premises; and

14 (d) The date, time, and a description of the observation
15 or incident which led the reporter to reasonably suspect animal
16 abandonment, cruel neglect, or cruel mistreatment and any other
17 information the reporter believes may be relevant.

18 (6) Reports made pursuant to this section may be made on
19 preprinted forms prepared by the entity or entities that
20 investigate reports of animal abandonment, cruel neglect, or cruel
21 mistreatment in that jurisdiction. The form shall include space
22 for the information required under subsection (5) of this section.

23 (7) When two or more employees jointly have observed or
24 reasonably suspected animal abandonment, cruel neglect, or cruel
25 mistreatment and there is agreement between or among them, a report
26 may be made by one person by mutual agreement. Any reporter who
27 has knowledge that the person designated to report has failed to do
1 so shall thereafter make the report.

2 (8) Any employee failing to report under this section
3 shall be guilty of an infraction.

4 Sec. 2. Section 28-101, Revised Statutes Supplement,
5 2002, is amended to read:

6 28-101. Sections 28-101 to 28-1348 and section 1 of this
7 act shall be known and may be cited as the Nebraska Criminal Code.

8 Sec. 3. Section 28-1005, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 28-1005. (1) No person shall knowingly:

11 (a) Promote, engage in, or be employed at dogfighting,
12 cockfighting, bearbaiting, or pitting an animal against another;

13 (b) Receive money for the admission of another person to
14 a place kept for such purpose;

15 (c) Own, use, train, sell, or possess an animal for such
16 purpose; or

17 (d) Permit any act as described in this subsection to
18 occur on any premises owned or controlled by him or her.

19 (2) Any person violating subsection (1) of this section
20 shall be guilty of a ~~Class I misdemeanor for the first conviction.~~
21 ~~A person convicted of violating any provision of subsection (1) of~~
22 ~~this section for a second or subsequent time shall be guilty of a~~
23 ~~Class IV felony.~~

24 (3) No person shall knowingly and willingly be present at
25 and witness as a spectator dogfighting, cockfighting, bearbaiting,
26 or the pitting of an animal against another as prohibited in
27 subsection (1) of this section. Any person who violates any
1 provision of this subsection shall be guilty of a ~~Class I~~
2 ~~misdemeanor~~ Class IV felony.

3 Sec. 4. Section 28-1008, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-1008. For purposes of sections 28-1008 to 28-1016 and

6 section 1 of this act:

- 7 (1) Abandon means to leave any animal for any length of
8 time without making effective provision for its food, water, or
9 other care as is reasonably necessary for the animal's health;
10 (2) Animal means any vertebrate member of the animal
11 kingdom. The term does not include an uncaptured wild creature;
12 (3) Cruelly mistreat means to knowingly and intentionally
13 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
14 otherwise inflict harm upon any animal;
15 (4) Cruelly neglect means to fail to provide any animal
16 in one's care, whether as owner or custodian, with food, water, or
17 other care as is reasonably necessary for the animal's health;
18 (5) Humane killing means the destruction of an animal by
19 a method which causes the animal a minimum of pain and suffering;
20 (6) Law enforcement officer means any member of the
21 Nebraska State Patrol, any county or deputy sheriff, any member of
22 the police force of any city or village, or any other public
23 official authorized by a city or village to enforce state or local
24 animal control laws, rules, regulations, or ordinances; and
25 (7) Police animal means a horse or dog owned or
26 controlled by the State of Nebraska for the purpose of assisting a
27 Nebraska state trooper in the performance of his or her official
1 enforcement duties.

2 Sec. 5. Section 28-1009, Revised Statutes Supplement,
3 2002, is amended to read:

- 4 28-1009. (1) A person who abandons or cruelly neglects
5 an animal is guilty of a ~~Class II misdemeanor for the first offense~~
6 ~~and a Class I misdemeanor for any subsequent offense.~~
7 (2)(a) Except as provided in subdivision (b) of
8 this subsection, a person who cruelly mistreats an animal is guilty
9 of a Class I misdemeanor for the first offense and a Class IV
10 felony for any subsequent offense.
11 (b) A person who cruelly mistreats an animal is guilty of
12 a Class IV felony if such cruel mistreatment involves the knowing
13 and intentional torture, repeated beating, or mutilation of the
14 animal.

- 15 (3) A person commits harassment of a police animal if he
16 or she knowingly and intentionally teases or harasses a police
17 animal in order to distract, agitate, or harm the police animal for
18 the purpose of preventing such animal from performing its
19 legitimate official duties. Harassment of a police animal is a
20 Class IV misdemeanor unless the harassment is the proximate cause
21 of the death of the police animal, in which case it is a Class IV
22 felony.

23 Sec. 6. Section 28-1013, Reissue Revised Statutes of
24 Nebraska, is amended to read:

- 25 28-1013. Sections 28-1008 to 28-1016 and section 1 of
26 this act shall not apply to:
27 (1) Care or treatment of an animal by a veterinarian

- 1 licensed under the Nebraska Veterinary Practice Act;
- 2 (2) Commonly accepted care or treatment of a police
3 animal by a law enforcement officer in the normal course of his or
4 her duties;
- 5 (3) Research activity carried on by any research facility
6 currently meeting the standards of the federal Animal Welfare Act,
7 7 U.S.C. 2131 et seq., as such section existed on January 1, 2003;
- 8 (4) Commonly accepted practices of hunting, fishing, or
9 trapping;
- 10 (5) Commonly accepted practices occurring in conjunction
11 with rodeos, animal racing, or pulling contests;
- 12 (6) Humane killing of an animal by the owner or by his or
13 her agent or a veterinarian upon the owner's request;
- 14 (7) Commonly accepted practices of animal husbandry with
15 respect to farm animals, including their transport from one
16 location to another and nonnegligent actions taken by personnel or
17 agents of the Nebraska Department of Agriculture or the United
18 States Department of Agriculture in the performance of duties
19 prescribed by law;
- 20 (8) Use of reasonable force against an animal, other than
21 a police animal, which is working, including killing, capture, or
22 restraint, if the animal is outside the owned or rented property of
23 its owner or custodian and is injuring or posing an immediate
24 threat to any person or other animal;
- 25 (9) Killing of house or garden pests;
- 26 (10) Commonly followed practices occurring in conjunction
27 with the slaughter of animals for food or byproducts; and
- 1 (11) Commonly accepted animal training practices.
- 2 Sec. 7. Section 28-1014, Reissue Revised Statutes of
3 Nebraska, is amended to read:
- 4 28-1014. Any city, village, or county may adopt and
5 promulgate rules, regulations, and ordinances which are not
6 inconsistent with the provisions of sections 28-1008 to 28-1016 and
7 section 1 of this act for the protection of the public, public
8 health, and animals within its jurisdiction.
- 9 Sec. 8. Section 28-1015, Reissue Revised Statutes of
10 Nebraska, is amended to read:
- 11 28-1015. When an animal is owned by a minor child, the
12 parent of such minor child with whom the child resides or legal
13 guardian with whom the child resides shall be subject to the
14 penalties provided under sections 28-1008 to 28-1016 and section 1
15 of this act if the animal is abandoned or cruelly neglected.
- 16 Sec. 9. Section 28-1016, Reissue Revised Statutes of
17 Nebraska, is amended to read:
- 18 28-1016. Nothing in sections 28-1008 to 28-1016 and
19 section 1 of this act shall be construed as amending or changing
20 the authority of the Game and Parks Commission as established in
21 the Game Law or to prohibit any conduct authorized or permitted by
22 such law.

23 Sec. 10. Original sections 28-1005, 28-1008, and 28-1013
24 to 28-1016, Reissue Revised Statutes of Nebraska, and sections
25 28-101 and 28-1009, Revised Statutes Supplement, 2002, are
26 repealed."

Senator Chambers filed the following amendment to LB 274:
AM0650

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 "Section 1. Section 54-625, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 54-625. Sections 54-625 to 54-636 and sections 4 to 8 of
- 6 this act shall be known and may be cited as the Commercial Dog and
- 7 Cat Operator Inspection Act.
- 8 Sec. 2. Section 54-626, Revised Statutes Supplement,
- 9 2002, is amended to read:
- 10 54-626. For purposes of the Commercial Dog and Cat
- 11 Operator Inspection Act:
- 12 (1) Boarding kennel means a facility which is primarily
- 13 used to house or contain dogs or cats owned by persons other than
- 14 the operator of such facility. The primary function of a boarding
- 15 kennel is to temporarily harbor dogs or cats when the owner of the
- 16 dogs or cats is unable to do so or to provide training, grooming,
- 17 or other nonveterinary service for consideration before returning
- 18 the dogs or cats to the owner. A facility which houses or contains
- 19 thirty or less dogs or cats in a twelve-month period is not a
- 20 boarding kennel. Veterinary clinics, animal control facilities,
- 21 and nonprofit animal shelters are not boarding kennels for the
- 22 purposes of the act;
- 23 (2) Cat means any animal which is wholly or in part of
- 24 the species *Felis domesticus*;
- 1 (3) Commercial breeder means any person (a) engaged in
- 2 the business of breeding dogs or cats and (b) who sells, exchanges,
- 3 or leases dogs or cats in return for consideration or who offers to
- 4 do so, whether or not the dogs or cats are bred, raised, trained,
- 5 groomed, or boarded by such person. A person who owns or harbors
- 6 three or less unaltered dogs or cats for breeding purposes which
- 7 are at least six months of age shall not be a commercial breeder.
- 8 A person who sells, exchanges, or leases thirty or less
- 9 dogs or cats in a twelve-month period shall not be a commercial
- 10 breeder if all such dogs or cats are sold, exchanged, or leased to
- 11 a final owner rather than for later retail sale or brokered
- 12 trading. A person knowingly selling, exchanging, or leasing any
- 13 dogs or cats for later retail sale or for brokered trading shall be
- 14 classified as a commercial breeder;
- 15 (4) Dealer means any person who is not a commercial
- 16 breeder or a pet shop but is engaged in the business of buying for
- 17 resale or selling or exchanging dogs or cats as a principal or
- 18 agent or who claims to be so engaged. A person who purchases,

19 sells, exchanges, or leases thirty or less dogs or cats in a
20 twelve-month period is not a dealer;

21 (5) Department means the Bureau of Animal Industry of the
22 Department of Agriculture with the State Veterinarian in charge,
23 subordinate only to the director;

24 (6) Director means the Director of Agriculture or his or
25 her designated employee;

26 (7) Dog means any animal which is wholly or in part of
27 the species *Canis familiaris*;

1 (8) Housing facility means any room, building, or areas
2 used to contain a primary enclosure;

3 (9) Inspector means any person who is employed by the
4 department and who is authorized to perform inspections pursuant to
5 the act;

6 (10) Licensee means a person who has qualified for and
7 received a license from the department pursuant to the act;

8 (11) Pet shop means a retail establishment whose primary
9 function is to sell companion animals and related supplies and
10 where such animals are bought, sold, exchanged, given away,
11 raffled, or offered for raffle or retail sale to the general
12 public;

13 (12) Primary enclosure means any structure used to
14 immediately restrict a dog or cat to a limited amount of space,
15 such as a room, pen, cage, or compartment;

16 ~~(12)~~ (13) Secretary of Agriculture means the Secretary of
17 Agriculture of the United States Department of Agriculture; and

18 ~~(13)~~ (14) Unaltered means any male or female dog or cat
19 which has not been neutered or spayed or otherwise rendered
20 incapable of reproduction.

21 Sec. 3. Section 54-627, Revised Statutes Supplement,
22 2002, is amended to read:

23 54-627. (1) Beginning April 1, 2001, a person shall not
24 operate as a commercial breeder, a dealer, or a boarding kennel
25 unless the person obtains the appropriate license as a commercial
26 breeder, dealer, or boarding kennel. Beginning January 1, 2004, a
27 person shall not operate as a pet shop unless the person obtains a

1 license as a pet shop. An applicant for a license shall submit an
2 application for the appropriate license to the department, on a
3 form prescribed by the department, together with a nonreturnable
4 license fee. Such fee shall be one hundred dollars. The license
5 fee shall be paid annually. Additionally, the department may
6 conduct an inspection of the facilities and sanitation and
7 confinement practices of the applicant or any other practices that
8 may affect the humane treatment of dogs and cats. Upon receipt of
9 the application and initial license fee, the appropriate license
10 may be issued by the department. Such license shall not be
11 transferable to another person or location.

12 (2) A license to operate as a commercial breeder, a
13 license to operate as a dealer, ~~or~~ a license to operate as a

14 boarding kennel, or a license to operate as a pet shop shall be
15 renewed by filing with the department at least thirty days prior to
16 April 1 of each year a renewal application and the annual license
17 fee. Failure to renew a license prior to the expiration of the
18 license shall result in an additional fee of twenty dollars
19 required upon application to renew such license.

20 Sec. 4. (1) Every dealer, commercial breeder, animal
21 shelter, animal control facility, or pet shop or any other
22 retailer, who transfers ownership of a dog or cat to an ultimate
23 consumer, shall deliver to the ultimate consumer of each dog or cat
24 at the time of sale, written material, in a form determined by such
25 seller, containing information on the benefits of spaying and
26 neutering. The written material shall include recommendations on
27 establishing a relationship with a veterinarian, information on
1 early-age spaying and neutering, the health benefits associated
2 with spaying and neutering pets, the importance of minimizing the
3 risk of homeless or unwanted animals, and the need to comply with
4 applicable license laws.

5 (2) The delivering of any model materials prepared by the
6 Pet Industry Joint Advisory Council or the Nebraska Humane Society
7 shall satisfy the requirements of subsection (1) of this section.

8 Sec. 5. Provision shall be made for spaying or neutering
9 all dogs and cats released for adoption or purchase from any public
10 or private animal shelter or animal control facility operated by a
11 humane society, a county, a city, or another political subdivision.
12 Such provision may be made by:

13 (1) Causing the dog or cat to be spayed or neutered by a
14 licensed veterinarian before releasing the dog or cat for adoption
15 or purchase; or

16 (2) Entering into a written agreement with the adopter or
17 purchaser of the dog or cat, guaranteeing that spaying or neutering
18 will be performed by a licensed veterinarian in compliance with an
19 agreement which shall contain the following information:

20 (a) The date of the agreement;

21 (b) The name, address, and signature of the releasing
22 entity and the adopter or purchaser;

23 (c) A description of the dog or cat to be adopted or
24 purchased;

25 (d) A statement, in conspicuous bold print, that spaying
26 or neutering of the dog or cat is required pursuant to this
27 section; and

1 (e) The date by which the spaying or neutering will be
2 completed, which date shall be (i) in the case of an adult dog or
3 cat, the thirtieth day after the date of adoption or purchase or
4 (ii) in the case of a pup or kitten, either (A) the thirtieth day
5 after a specified date estimated to be the date the pup or kitten
6 will reach six months of age or (B) if the releasing entity has a
7 written policy recommending spaying or neutering of certain pups or
8 kittens at an earlier date, the thirtieth day after such date.

9 Sec. 6. An adopter or purchaser who signs an agreement
10 under section 5 of this act shall cause the adopted or purchased
11 dog or cat to be spayed or neutered on or before the date stated in
12 the agreement. If such date falls on a Saturday, Sunday, or legal
13 holiday, the date may be extended to the first business day
14 following such date. The releasing entity may extend the date for
15 thirty days upon presentation of a letter or telephone report from
16 a licensed veterinarian, stating that the life or health of the
17 adopted or purchased dog or cat would be jeopardized by spaying or
18 neutering, and such extensions may continue to be granted until
19 such veterinarian determines that spaying or neutering would no
20 longer jeopardize the life or health of the adopted or purchased
21 dog or cat.

22 Sec. 7. A commercial breeder shall:

23 (1) Maintain housing facilities and primary enclosures in
24 a sanitary condition;

25 (2) Enable all dogs and cats to remain dry and clean;

26 (3) Provide shelter and protection from extreme
27 temperatures and weather conditions that may be uncomfortable or
1 hazardous to the dogs and cats;

2 (4) Provide sufficient shade to shelter all the dogs and
3 cats housed in the primary enclosure at one time;

4 (5) Provide dogs and cats with easy and convenient access
5 to adequate amounts of clean food and water;

6 (6) Provide adequate space appropriate to the age, size,
7 weight, and breed of dog or cat. For purposes of this subdivision,
8 adequate space means sufficient space to allow each dog and cat to
9 turn about freely, to stand, sit, and lie in a comfortable, normal
10 position, and to walk in a normal manner without the head of such
11 animal touching the top of the cage which shall be at least six
12 inches above the head of the tallest animal when the animal is
13 standing;

14 (7) Provide dogs with adequate socialization and
15 exercise. For the purpose of this subdivision, adequate
16 socialization means physical contact with other dogs and with human
17 beings, other than being fed, and adequate exercise means providing
18 the opportunity for exercise at least two times per day outside of
19 a cage or similar small enclosure except during inclement weather
20 that may be hazardous to dogs;

21 (8) Assure that a handler's hands are washed before and
22 after handling each infectious or contagious dog or cat; and

23 (9) Provide veterinary care without delay when necessary.

24 Sec. 8. The primary enclosures of all licensees shall
25 meet the following requirements:

26 (1) A primary enclosure shall have floors that are
27 constructed in a manner that protects the dogs' and cats' feet and
1 legs from injury and that, if of mesh or slatted construction, do
2 not allow the dogs' and cats' feet to pass through any openings in
3 the floor;

- 4 (2) If a primary enclosure has a suspended floor
5 constructed of metal strands, the strands shall either be greater
6 than one-eighth of an inch in diameter (nine gauge) or coated with
7 a material such as plastic or fiberglass; and
8 (3) The suspended floor of any primary enclosure shall be
9 strong enough so that the floor does not sag or bend between the
10 structural supports.
11 Sec. 9. Original sections 54-625, 54-626, and 54-627,
12 Revised Statutes Supplement, 2002, are repealed.".

NOTICE OF COMMITTEE HEARING

Revenue
Room 1524

LB 794	Wednesday, March 19, 2003	1:30 p.m.
LB 803	Wednesday, March 19, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 94A. 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 94, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. The Janssen et al. pending amendment, AM0656, found in this day's Journal, was renewed.

SPEAKER BROMM PRESIDING

SENATOR CUDABACK PRESIDING

Senator Mossey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Schimek moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Schimek requested a roll call vote on the Janssen et al. amendment.

Voting in the affirmative, 26:

Aguilar	Connealy	Kruse	Quandahl	Thompson
Beutler	Cunningham	Landis	Raikes	Wehrbein
Bourne	Friend	Maxwell	Schimek	
Brashear	Hartnett	McDonald	Schrock	
Bromm	Janssen	Mines	Stuthman	
Byars	Johnson	Preister	Synowiecki	

Voting in the negative, 17:

Burling	Foley	Kremer	Redfield	Vrtiska
Chambers	Hudkins	Mossey	Smith	
Engel	Jensen	Pedersen, Dw.	Stuhr	
Erdman	Jones	Price	Tyson	

Present and not voting, 6:

Baker	Combs	Louden
Brown	Cudaback	Pederson, D.

The Janssen et al. amendment was adopted with 26 ayes, 17 nays, and 6 present and not voting.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Pending.

MOTION - Introduce New Bills

Senator Vrtiska renewed his pending motion, found on page 701, for the introduction of the state claims bills by the Business and Labor Committee, pursuant to Rule 5, Section 4(c)(2).

The Vrtiska motion to introduce new bills prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 806. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Chambers, 11; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

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-off as prescribed; and to declare an

emergency.

LEGISLATIVE BILL 807. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Chambers, 11; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 54, 54A, 60, 94, 143, 143A, 150, 158, 164, 164A, 385, 451, and 524.

ER9025

Enrollment and Review Change to LB 143

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock amendment, AM0611, on page 16, line 3, "funds" has been struck, shown as stricken, and "fund" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "solid waste; to amend sections 13-2001, 13-2003, 13-2033, 13-2039, 13-2040, 81-1504.01, 81-15,159.02, 81-15,161, and 81-15,162, Reissue Revised Statutes of Nebraska, and sections 13-2042 and 81-15,160, Revised Statutes Supplement, 2002; to provide, change, and eliminate definitions; to change and eliminate provisions 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, 81-15,162.02, and 81-15,162.08, Reissue Revised Statutes of Nebraska." inserted.

ER9024

Enrollment and Review Change to LB 150

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "to provide a penalty;" has been inserted after the semicolon.

ER9026

Enrollment and Review Change to LB 158

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7053, on page 13, line 24, an underscored comma has been inserted after "program".

ER9023

Enrollment and Review Change to LB 385

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, AM0615, on page 3, line 19, "2002," has been inserted after the comma.

2. On page 1, line 2, "section 13-2705" has been struck and "sections 13-2705 to 13-2708" inserted; in lines 3 and 4 "grant approval conditions" has been struck and "provisions relating to grant application and approval" inserted; and in line 4 "section" has been struck and "sections" inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 701. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 112. Placed on General File as amended.

Standing Committee amendment to LB 112:

AM0524

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 81-1120.19, Revised Statutes
 4 Supplement, 2002, is amended to read:
 5 81-1120.19. The division shall have authority to
 6 purchase or lease communications facilities, services, or channels
 7 on terms which are for the best interests of the State of Nebraska.
 8 In making the decision as to what proposal is for the best
 9 interests of the state, the decision of the division shall be based
 10 upon, but not necessarily limited to, (1) the total cost to the
 11 state, computed in accordance with accepted governmental
 12 cost-accounting procedures taking into account taxes to be paid or
 13 foregone, interest rates, and obsolescence; (2) the quality of the
 14 service offered; (3) the comprehensiveness of the proposed
 15 facilities or plan; (4) the financial responsibility of the
 16 supplier or carrier submitting the proposal; (5) the repair and
 17 maintenance capabilities of the supplier or carrier; (6) the
 18 experience as a communications carrier or supplier, as applicable;

19 and (7) the alternate methods or facilities available. The powers
20 conferred by this section shall be subject to the condition that,
21 except for existing state-owned facilities, the division shall
22 obtain all ~~exchange, intercity, toll, wide-area and private-line~~
23 ~~communications~~ telecommunications service as defined in section
24 86-121 from telecommunications carriers that are certificated or
1 permitted by, ~~or registered with,~~ the Public Service Commission for
2 any area in which such services are rendered. Any purchase or
3 lease, except from such telecommunications carriers, made by the
4 division shall be made through the materiel division of the
5 Department of Administrative Services pursuant to the functions,
6 powers, and duties of such division.
7 Sec. 2. Original section 81-1120.19, Revised Statutes
8 Supplement, 2002, is repealed.
9 Sec. 3. Since an emergency exists, this act takes effect
10 when passed and approved according to law."

LEGISLATIVE BILL 321. Indefinitely postponed.

LEGISLATIVE BILL 425. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

Senator Preister designates LB 626 as his priority bill.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

LR 39 Wednesday, March 12, 2003

1:30 p.m.

(Signed) Jim Jensen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Friend asked unanimous consent to have his name added as cointroducer to LB 148. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 273 and LB 274. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were Al Gunther from Bloomfield and Curt Alexander from Dodge; Lori Bortner from McCook, Lynn Welker from

Kilgore, and Lindy Ovaney and Marty and Cindy Petersen from North Platte; students and teacher from Sutherland High School; and 50 fourth-grade students and teachers from York Elementary School.

The Doctor of the Day was Dr. Pumphrey from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 5, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 5, 2003

PRAYER

The prayer was offered by Pastor John Emslie, Trinity Lutheran Church, Blair, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Brashear, Brown, Landis, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 42. Introduced by Byars, 30.

PURPOSE: The purpose of this study is to examine the quality and effectiveness of services coordination provided by the Department of Health and Human Services to persons in Nebraska's developmental disabilities system. This study shall include, but not be limited to, the exploration of the training and staff development for services coordinators and administrators, including orientation and continuing education, the quality review mechanisms in place to assure the consistent delivery of services coordination in keeping with policies and procedures, the ability of services coordinators to work effectively on behalf of persons served to insure the most appropriate services and supports, and the best practices in Nebraska and other states.

Input on this study and its development shall be solicited from stakeholders, including, but not limited to, consumers and their families, services coordinators, service providers, and advocates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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.

MOTION - Approve Appointment

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 709:

Game and Parks Commission
Gary Parker

Voting in the affirmative, 39:

Aguilar	Connealy	Janssen	Mines	Smith
Baker	Cudaback	Jensen	Preister	Stuhr
Bourne	Cunningham	Johnson	Price	Stuthman
Bromm	Engel	Kremer	Quandahl	Thompson
Burling	Erdman	Kruse	Raikes	Tyson
Byars	Foley	Louden	Redfield	Vrtiska
Chambers	Friend	Maxwell	Schimek	Wehrbein
Combs	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Jones	Mossey
Hartnett	Landis	Pederson, D.

Excused and not voting, 4:

Brashear	Brown	Pedersen, Dw.	Synowiecki

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LR 40

Senator Combs renewed her pending motion, found on page 716, to withdraw LR 40.

The Combs motion to withdraw prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. Considered.

Senator Beutler offered the following amendment:
AM0675

(Amendments to AM0656)

- 1 1. On page 2, line 23, after "Nebraska" insert "under
2 this subsection".

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

SENATOR HARTNETT PRESIDING

Senators D. Pederson and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Aguilar moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Beutler amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

LB 798	Wednesday, March 19, 2003	1:30 p.m.
LB 802	Wednesday, March 19, 2003	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Natural Resources

Room 1525

LB 804	Wednesday, March 12, 2003	1:30 p.m.

(Signed) Ed Schrock, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 301. Placed on General File as amended.
Standing Committee amendment to LB 301:
AM0669

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Electronic Equipment Recycling Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Toxic materials pose a health threat when they are
- 7 released into the environment;
- 8 (2) Electronic equipment contributes significant levels
- 9 of cadmium, arsenic, zinc, mercury, and selenium to landfill
- 10 leachate;
- 11 (3) Cathode ray tubes, which contain an average of five
- 12 to eight pounds of lead, are found in computer monitors, television
- 13 sets, and other electronic equipment;
- 14 (4) The fast growth of technology has resulted in the
- 15 rapid obsolescence of electronic equipment, but such equipment and
- 16 many of its components may be reused; and
- 17 (5) By encouraging the recycling of electronic equipment,
- 18 the state will not only create a market for the recyclables but
- 19 will simultaneously protect the environment from lead and other
- 20 toxic materials.
- 21 Sec. 3. For purposes of the Electronic Equipment
- 22 Recycling Act:
- 23 (1) Board means the Nebraska Environmental Trust Board;
- 24 (2) Cathode ray tube means any intact, broken, or
- 1 processed glass tube used to provide the visual display in
- 2 televisions, computer monitors, and certain scientific instruments
- 3 such as oscilloscopes;
- 4 (3) Electronic equipment means appliances that contain
- 5 complex circuitry, circuit boards, or signal processing and one or
- 6 more hazardous elements. Electronic equipment includes, but is not
- 7 limited to, televisions, audio and stereo equipment, monitors,
- 8 computers, video cassette recorders, computer keyboards, printers,
- 9 telephones, copy and facsimile machines, and microwave ovens; and
- 10 (4) Program means the Electronic Equipment Recycling
- 11 Program.
- 12 Sec. 4. (1) The Electronic Equipment Recycling Program
- 13 is created. The board shall enter into an agreement with a
- 14 contractor to develop and implement the program by creating
- 15 short-term and long-term strategies for establishing a statewide
- 16 system of determining the most efficient means of managing,
- 17 collecting, storing, transporting, processing, recycling, reusing,
- 18 or otherwise disposing of electronic equipment. The program shall
- 19 include:

20 (a) Working with local governments and businesses to
21 determine the most efficient means of collecting, transporting, and
22 processing scrap electronic equipment;

23 (b) Developing public education programs on the benefits
24 of electronic equipment recycling and how to accomplish it; and

25 (c) Creating sustained processes for recovering and
26 recycling scrap electronic equipment, minimizing and eliminating
27 substantial volumes of scrap electronic equipment as waste, public
1 education, and creating jobs.

2 (2) The contractor required under subsection (1) of this
3 section shall, at a minimum, meet the following criteria:

4 (a) Be a statewide organization or entity which is
5 incorporated in Nebraska;

6 (b) Have experience in management of electronic waste,
7 electronic waste inventory, and survey of providers; and

8 (c) Have experience in setting standards for collection
9 and processing systems for recyclables.

10 (3) On November 1 of each year, the board shall submit a
11 report to the Legislature which evaluates the program's
12 effectiveness in creating satisfactory markets, a sufficient
13 recovery infrastructure, and an adequate funding mechanism to
14 support electronic recycling in Nebraska. The report shall also
15 make recommendations for achieving these goals.

16 Sec. 5. On or after October 1, 2003, a fee of five
17 dollars shall be imposed on the sale of each new item of electronic
18 equipment containing a cathode ray tube. The fee shall be paid by
19 the purchaser, collected by the seller, and remitted to the
20 Department of Revenue. The fee imposed by this section shall be
21 collected in the same manner as the sales tax under the Nebraska
22 Revenue Act of 1967, including provisions of the act relating to
23 due dates, interest, penalties, and collection procedures. The
24 department shall deduct and withhold from the fee collected
25 pursuant to this section an amount sufficient to reimburse the
26 direct costs of collecting and administering the fee. Except for
27 the amounts withheld as provided in this section, the Department of
1 Revenue shall remit the money received under this section to the
2 State Treasurer for credit to the Electronic Equipment Recycling
3 Program Fund created pursuant to section 8 of this act. Payment of
4 the fee shall be accompanied by a form prescribed by the Department
5 of Revenue and shall include such information as the Tax
6 Commissioner deems necessary.

7 Sec. 6. Section 81-15,167, Revised Statutes Supplement,
8 2002, is amended to read:

9 81-15,167. Sections 81-15,167 to 81-15,176 and section 8
10 of this act shall be known and may be cited as the Nebraska
11 Environmental Trust Act.

12 Sec. 7. Section 81-15,173, Revised Statutes Supplement,
13 2002, is amended to read:

14 81-15,173. The board shall have and may exercise the

15 following powers and duties:

16 (1) Adopt bylaws to govern the proceedings of the board;

17 (2) Keep records, conduct hearings, and adopt and
18 promulgate rules and regulations to carry out its duties and
19 implement the Nebraska Environmental Trust Act;

20 (3) Contract with the Game and Parks Commission for
21 administrative support and with governmental agencies for technical
22 assistance;

23 (4) Establish environmental priorities for use of the
24 funds;

25 (5) Establish ad hoc advisory boards and subcommittees;

26 (6) Sponsor or assist environmental proposals pertaining
27 to the environmental priorities of the board, including issuing
1 grants to agencies, organizations, and persons engaged in the
2 purposes of the trust;

3 (7) Cooperate with or assist any unit of the state, any
4 political subdivision, or any private, public, or federal agency,
5 foundation, or person in furtherance of the purposes of the trust;

6 (8) Acquire and dispose of personal property in
7 furtherance of the purposes of the trust; ~~and~~

8 (9) Apply for or accept any gift, grant, bequest,
9 royalty, or donation, designate the fund to which it will be
10 credited, and expend the proceeds in furtherance of the purposes of
11 the trust; and

12 (10)(a) Administer agreements with contractors to develop
13 and implement a statewide electronic equipment recycling program;
14 and

15 (b) Issue electronic equipment recycling grants to
16 agencies; and organizations, and persons engaged in the purposes of
17 the program.

18 Sec. 8. (1) The Electronic Equipment Recycling Program
19 Fund is created. The fund shall be administered by the board to
20 carry out the purposes of the Electronic Equipment Recycling
21 Program. The fund shall consist of fees credited pursuant to
22 section 5 of this act. The board may receive gifts, bequests, and
23 any other contributions for credit to the fund.

24 (2) Application for grants under the Electronic Equipment
25 Recycling Program shall be made on a form developed by the
26 contractor containing such information as the board deems
27 necessary. The contractor shall conduct technical reviews of the
1 grant applications and make funding recommendations to the board.
2 The board shall develop a rating system for ranking grant proposals
3 to meet the program's goals and objectives. Each application shall
4 be reviewed and approved by the board for the purposes of creating
5 sustained processes for recovering and recycling scrap electronic
6 equipment, minimizing and eliminating substantial volumes of scrap
7 electronic equipment as waste, public education, and creating jobs.

8 (3) Money in the fund shall be distributed as follows:

9 (a) Except as provided in subdivision (b) of this

10 subsection, not more than seventy percent shall be used to award
11 grants as follows:
12 (i) Not more than twenty percent shall be used to award
13 grants to local governments, not-for-profit charitable
14 organizations, and solid waste facility operators to pay processing
15 and recycling costs assessed by authorized electronic equipment
16 recyclers;
17 (ii) Not more than thirty-five percent shall be used to
18 provide grants to electronic equipment recycling businesses; and
19 (iii) Not more than fifteen percent shall be used to work
20 with local governments and businesses and develop public education
21 programs; and
22 (b) Not more than thirty percent shall be used to
23 administer the Electronic Equipment Recycling Act which shall
24 include the contract for developing and implementing the program.
25 Any money allocated and not spent under this subdivision for
26 administration of the act may at the board's discretion be used for
27 the purposes stated in subdivision (a) of this subsection.
1 Any unused funds may be carried over to the next fiscal
2 year. Any money in the fund available for investment shall be
3 invested by the state investment officer pursuant to the Nebraska
4 Capital Expansion Act and the Nebraska State Funds Investment Act.
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 sections 81-15,167 and 81-15,173,
10 Revised Statutes Supplement, 2002, are repealed."

(Signed) Ed Schrock, Chairperson

Agriculture

LEGISLATIVE BILL 212. Placed on General File.

(Signed) Bob Kremer, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. Senator Beutler offered the following amendment:

FA1188

On page 2, line 21 after "federal" add "gaming"

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 27 ayes, 0 nays, and 22 not voting.

SPEAKER BROMM PRESIDING

Senator Beutler requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 37:

Aguilar	Cudaback	Johnson	Mossey	Stuthman
Baker	Cunningham	Jones	Preister	Thompson
Bourne	Engel	Kremer	Price	Tyson
Bromm	Erdman	Kruse	Quandahl	Vrtiska
Brown	Foley	Landis	Raikes	Wehrbein
Burling	Friend	Louden	Redfield	
Byars	Hudkins	McDonald	Smith	
Combs	Jensen	Mines	Stuhr	

Voting in the negative, 4:

Beutler	Chambers	Connealy	Janssen

Present and not voting, 4:

Hartnett	Maxwell	Schimek	Schrock

Excused and not voting, 4:

Brashear	Pedersen, Dw.	Pederson, D.	Synowiecki

The motion to cease debate prevailed with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

Senator Beutler withdrew his amendment.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA1189

Amend AM0656

Page 2, in line 20, put a period after "Nebraska" and strike the remaining language through the period in line 21.

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

Senator Chambers withdrew his amendment.

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

Senator Janssen requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 25:

Aguilar	Combs	Hartnett	Maxwell	Schimek
Beutler	Connealy	Hudkins	McDonald	Schrock
Bourne	Cudaback	Janssen	Mines	Stuthman
Bromm	Cunningham	Johnson	Preister	Synowiecki
Byars	Friend	Landis	Raikes	Thompson

Voting in the negative, 19:

Baker	Erdman	Kremer	Quandahl	Tyson
Burling	Foley	Kruse	Redfield	Vrtiska
Chambers	Jensen	Mossey	Smith	Wehrbein
Engel	Jones	Price	Stuhr	

Present and not voting, 3:

Brown	Louden	Pederson, D.

Excused and not voting, 2:

Brashear	Pedersen, Dw.

Advanced to E & R for review with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 14CA. Senator Beutler renewed his pending motion, found on page 693, to indefinitely postpone.

Laid over.

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 143:
AM0683

(Amendments to Final Reading copy)

1. On page 2, line 17, strike "(5)" and insert "(4)".
2. On page 4, strike beginning with "Any" in line 10 through "(5)" in line 16 and show the old matter as stricken.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 806	Business and Labor
LB 807	Business and Labor

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 808. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to courts; to amend sections 33-138, 42-720, and 48-191, Reissue Revised Statutes of Nebraska, and sections 25-21,223, 25-2221, 49-1203, 76-1442, and 83-4,125, Revised Statutes Supplement, 2002; to authorize the Chief Justice of the Supreme Court to close courts on certain days; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to impose an occupation tax on certain professions.

VISITORS

Visitors to the Chamber were Anthony, Irene, Elise, and Danielle Guerrero from Gering; 30 eighth-grade students and teachers from Lexington Middle School; 50 fourth-grade students and teachers from York Elementary School; and Josie Vela from Friend.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 6, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 6, 2003

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 Senators Bourne, Loudon, Dw. Pedersen, D. Pederson, and Stuthman who were excused; and Senators Engel, Landis, McDonald, Quandahl, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE RESOLUTION 11CA. Placed on Select File as amended.
E & R amendment to LR 11CA:
AM7079

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following 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, 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)(a) For purposes of this subsection, gaming means any
16 game of chance played with cards, dice, equipment, or a machine for
17 money, credit, or any representative of value.

18 (b) Nothing in the Constitution of Nebraska shall be
19 construed to prohibit or restrict gaming operated by a federally
20 recognized Indian tribe in Nebraska when such gaming is conducted
21 in accordance with federal law.

22 (c) The Legislature may authorize gaming at up to eight
23 facilities in the State of Nebraska under this subsection. The
24 Legislature shall provide for the operation, regulation, and
25 taxation of gaming at such facilities."

26 Sec. 2. The proposed amendment shall be submitted to the
27 electors in the manner prescribed by the Constitution of Nebraska,
1 Article XVI, section 1, with the following ballot language:

2 "A constitutional amendment to define gaming, to permit
3 gaming operated by Indian tribes, to provide authority
4 for the Legislature to authorize gaming at up to eight
5 facilities in the State of Nebraska, and to require the
6 Legislature to provide for the operation, regulation, and
7 taxation of gaming at such facilities.

8 For

9 Against".

(Signed) Ray Mossey, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 2003, 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

Fearn, Samantha A. Omev
Honeywell International

REPORTS

The following reports were received by the Legislature:

Property Assessment and Taxation, Department of
Redevelopment Projects for Cities Using Tax Increment Financing Report

ANNOUNCEMENTS

Senator Stuthman designates LB 602 as his priority bill.

Senator Bromm designates LB 210 as his priority bill.

Senator Louden designates LB 726 as his priority bill.

AMENDMENTS - Print in Journal

Senator Mossey filed the following amendment to LB 111:
AM0670

- 1 1. On page 2, line 5, strike "minor", show as stricken,
- 2 and insert "child, as defined in such section,".

Senator Schrock filed the following amendment to LB 637:
AM0689

- 1 1. On page 2, line 6, strike "The" through "payments"
- 2 and insert "Payments may be made".

MOTION - Approve Appointments

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointments found on page 713:

State Colleges Board of Trustees
Willa Kosman
William Roskens

Voting in the affirmative, 28:

Aguilar	Cunningham	Jensen	Price	Synowiecki
Baker	Erdman	Kremer	Raikes	Thompson
Burling	Foley	Kruse	Redfield	Vrtiska
Byars	Friend	Maxwell	Schimek	Wehrbein
Combs	Hudkins	Mines	Smith	
Connealy	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Brown	Hartnett	Preister
Brashear	Chambers	Johnson	Schrock
Bromm	Cudaback	Jones	

Excused and not voting, 10:

Bourne	Landis	McDonald	Pederson, D.	Stuthman
Engel	Louden	Pedersen, Dw.	Quandahl	Tyson

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 94A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 61. E & R amendment, AM7063, found on page 629, was adopted.

Senator Byars renewed his pending amendment, AM0540, found on page 710.

The Byars amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 561. Advanced to E & R for engrossment.

LEGISLATIVE BILL 562. E & R amendment, AM7066, found on page 629, was adopted.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Baker renewed his pending amendment, AM0522, found on page 638.

The Baker amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 562A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 563. E & R amendment, AM7068, found on page 630, was adopted.

Senator Baker withdrew his pending amendment, AM0590, found on page 712.

Senator Baker offered the following amendment:
AM0694

- 1 1. Insert the following new section:
- 2 "Sec. 22. Section 60-305.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-305.02. Trucks, truck-tractors, semitrailers,
- 5 trailers, or buses, from ~~states~~ a jurisdiction other than Nebraska,
- 6 entering Nebraska shall be required to comply with all the laws and
- 7 regulations of any nature imposed on Nebraska trucks,
- 8 truck-tractors, semitrailers, trailers, or buses unless the ~~state~~
- 9 ~~or states~~ jurisdiction in which such trucks, truck-tractors,
- 10 semitrailers, trailers, or buses are domiciled ~~grant~~ grants
- 11 reciprocity comparable to that extended by the laws of Nebraska."
- 12 2. On page 3, line 22; page 5, line 4; page 6, line 5;
- 13 page 12, line 8; and page 40, line 21, strike "interstate", show as
- 14 stricken, and insert "interjurisdiction".
- 15 3. On page 23, line 27, strike "Foreign trucks", show as
- 16 stricken, and insert "Trucks" and after "buses" insert "from other
- 17 jurisdictions".
- 18 4. On page 40, line 17, strike "foreign" and show as

- 19 stricken; in line 18 after "buses" insert "from other
20 jurisdictions" and strike "intrastate", show as stricken, and
21 insert "intrajurisdiction".
- 22 5. On page 41, lines 21 and 22, strike "interstate and
23 intrastate", show as stricken, and insert "interjurisdiction and
24 intrajurisdiction".
- 1 6. On page 80, line 16, strike "intrastate", show as
2 stricken, and insert "intrajurisdiction".
- 3 7. On page 95, line 18, after the first comma insert
4 "60-305.02,".
- 5 8. Renumber the remaining sections accordingly.

The Baker amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 127. Advanced to E & R for engrossment.

LEGISLATIVE BILL 175. E & R amendment, AM7065, found on page 630, was adopted.

Senator Jensen renewed his pending amendment, AM0521, found on page 710.

The Jensen 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 161. E & R amendment, AM7067, found on page 630, was adopted.

Senator Janssen requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 219. E & R amendment, AM7069, found on page 659, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 234. E & R amendment, AM7070, found on page 659, was adopted.

Senator Beutler withdrew his pending amendments, AM0502 and AM0503, found on page 609.

Senator Jensen renewed his pending amendment, AM0589, found on page 710.

The Jensen amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 234A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 56. E & R amendment, AM7071, found on page 659, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 537. E & R amendment, AM7072, found on page 663, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 228. E & R amendment, AM7074, found on page 663, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 228A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 418. E & R amendment, AM7073, found on page 663, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 157. Advanced to E & R for engrossment.

LEGISLATIVE BILL 250. E & R amendment, AM7077, found on page 681, was adopted.

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

Senator Kremer renewed his pending amendment, AM0630, found on page 711.

The Kremer 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 273. Senator Chambers withdrew his pending amendment, AM0587, found on page 685.

Senator Chambers renewed his pending amendment, AM0649, found on page 717.

The Chambers 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 274. E & R amendment, AM7075, found on page 682, was adopted.

Senator Chambers withdrew his pending amendment, AM0588, found on page 686.

Senator Chambers renewed his pending amendment, AM0650, found on page 721.

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 394. E & R amendment, AM7076, printed separately and referred to on page 682, was adopted.

Senator Raikes renewed his pending amendment, AM0583, found on page 711.

The Raikes amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Beutler offered the following amendment:
AM0704

(Amendments to E & R amendments, AM7076)

- 1 1. On page 2, line 21, strike the new matter and
- 2 reinstate the stricken matter.

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

Senator Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 142. Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

LB 801 Monday, March 17, 2003 1:30 p.m.

(Signed) Ray Janssen, Chairperson

Business and Labor

Room 2102

LB 806 Monday, March 17, 2003 1:30 p.m.

LB 807 Monday, March 17, 2003 1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

ANNOUNCEMENTS

The Natural Resources Committee designates LB 32 as its priority bill.

Senator Hartnett designates LB 790 as his priority bill.

The Health and Human Services Committee designates LB 667 as its priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee

LB 808 Judiciary

LB 809 Revenue

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 175:

FA1190

Amend AM0455

P. 1, in line 7 after "standing," insert "which have implemented a policy prohibiting discrimination based on sexual orientation,"

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 72A. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, Ninety-eighth Legislature, First Session, 2003; and to provide for a transfer.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 374. Placed on General File as amended.
Standing Committee amendment to LB 374:
AM0686

- 1 1. On page 2, lines 9 and 23 and 24; and page 3, lines 3
- 2 and 9, strike "exists on August 28, 1999", show as stricken, and
- 3 insert "existed on January 1, 2003".

(Signed) Bob Kremer, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 178. Placed on General File as amended.
Standing Committee amendment to LB 178:
AM0644

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 74-1336, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 74-1336. (1) Whenever a complaint is filed in writing
- 6 with the Department of Roads by the duly authorized officers of any
- 7 incorporated village or city or by the owner or operator of any
- 8 railroad track, relative to any crossing within such the affected
- 9 village or city, praying for relief from the matters complained of,
- 10 the department shall hold a hearing and shall make such order as
- 11 the facts warrant. The findings of the department, subject to the
- 12 right of appeal, shall be binding on the parties to the suit.
- 13 (2) The department shall adopt and promulgate rules and
- 14 regulations for the construction, repair, and maintenance of all
- 15 crossings, both public and private, across, over, and under all
- 16 railroads within the corporate limits of any incorporated village
- 17 or city. The rules and regulations shall be substantially the same
- 18 as the rules and regulations under section 74-1332.
- 19 Sec. 2. Original section 74-1336, Revised Statutes
- 20 Supplement, 2002, is repealed."

LEGISLATIVE BILL 135. Indefinitely postponed.

LEGISLATIVE BILL 207. Indefinitely postponed.

LEGISLATIVE BILL 552. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

Judiciary

LEGISLATIVE BILL 294. Placed on General File.

LEGISLATIVE BILL 522. Placed on General File.

LEGISLATIVE BILL 200. Placed on General File as amended.

Standing Committee amendment to LB 200:

AM0394

- 1 1. On page 4, lines 21 and 22, strike ", except that
- 2 manufacture", show as stricken, and insert ". Manufacture"; in
- 3 lines 22 and 23 reinstate the stricken language; and in line 23
- 4 after the reinstated "use" insert ", except for the preparation or
- 5 compounding of components or ingredients used for or intended to be
- 6 used for the manufacture of methamphetamine".

LEGISLATIVE BILL 392. Placed on General File as amended.

Standing Committee amendment to LB 392:

AM0552

- 1 1. Strike original sections 5 and 9.
- 2 2. On page 2, line 1, strike "9" and insert "7"; in line
- 3 3 strike "seventeen" and insert "fifteen"; strike lines 15 and 16
- 4 and insert "(e) That the minor is seeking a decree of emancipation;
- 5 and"; in line 19 strike the semicolon and insert a period; and
- 6 strike lines 20 through 23.
- 7 3. On page 3, lines 16 and 17, strike "under section 5
- 8 of this act" and insert "regarding the petition for emancipation";
- 9 and in line 23 after the period insert "The court shall advise the
- 10 petitioner of the consequences of emancipation."

(Signed) Kermit A. Brashear, Chairperson

SELECT COMMITTEE REPORT **Enrollment and Review**

LEGISLATIVE BILL 94A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 165. Title read. Considered.

Senator Schrock renewed his pending amendment, AM0561, found on page

675.

The Schrock amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Schrock renewed his pending amendment, AM0562, found on page 676.

The Schrock amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SPEAKER BROMM PRESIDING

Senator Beutler offered the following amendment:

FA1191

Strike Section 1.

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 496. Placed on General File.

LEGISLATIVE BILL 726. Placed on General File.

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 327. Placed on General File.

LEGISLATIVE BILL 439. Placed on General File as amended.

Standing Committee amendment to LB 439:

AM0708

- 1 1. On page 5, line 26, after the last occurrence of
- 2 "Nebraska" insert ", except the buildings and grounds described in
- 3 subsection (5) of this section".
- 4 2. On page 11, line 5, after the last occurrence of
- 5 "Nebraska" insert ", except the buildings and grounds described in
- 6 subsection (5) of section 81-1108.15".

LEGISLATIVE BILL 445. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services

LEGISLATIVE BILL 714. Placed on General File as amended.

Standing Committee amendment to LB 714:

AM0707

- 1 1. On page 2, strike beginning with "Nothing" in line 27
- 2 through "refuse" in line 28.
- 3 2. On page 3, strike beginning with the first "the" in
- 4 line 1 through "department" in line 6 and insert "A parent or
- 5 guardian acting on the basis of sincerely held religious beliefs
- 6 may delay the specimen collection past the period prescribed by the
- 7 department. Such parent or guardian shall sign a waiver prescribed
- 8 by the department and shall ensure that the specimen is collected
- 9 no later than ninety-six hours from the time of birth at a birthing
- 10 facility or laboratory otherwise competent to collect the
- 11 specimen.".

(Signed) Jim Jensen, Chairperson

Revenue

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendment to LB 283:

AM0702

- 1 1. On page 2, line 5, strike "thirty-six" and insert
- 2 "twenty-nine"; in line 6, strike "one dollar and twenty" and insert
- 3 "ninety-five"; strike beginning with "containing" in line 7 through
- 4 "volume" in line 11 and show as stricken; in line 12, strike
- 5 "eight" and insert "six"; and in line 13, strike "four dollars and
- 6 seventy cents" and insert "three dollars and seventy-five cents".

(Signed) David Landis, Chairperson

AMENDMENTS - Print in JournalSenator Beutler filed the following amendment to LB 688:

AM0698

- 1 1. Insert the following section:
- 2 "Sec. 7. As an alternative to the requirement of section
- 3 4 of this act, the university may limit the number of hours
- 4 required to participate in the sport of football to such number
- 5 that participation in the sport would not impede the student
- 6 athlete's ability to carry a regular academic workload which allows
- 7 such student athlete to graduate in four years and further will
- 8 allow the student athlete to work an average of at least twelve
- 9 hours per week during the academic school year."
- 10 2. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 540:

(Amendment, AM0712, is printed separately and available in the Bill Room,
Room 1104.)

ANNOUNCEMENTS

The Government, Military and Veterans Affairs Committee designates LB 755 and LB 784 as its priority bills.

Senator Burling designates LB 754 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 43. Introduced by Bromm, 23.

WHEREAS, Lauritz Elmer Pedersen, father of State Senator Dwite Pedersen, passed away on March 3, 2003, in Mt. Ayr, Iowa, at the age of ninety-five; and

WHEREAS, Lauritz Pedersen was born October 23, 1907, to Marie and Andrew Pedersen in Badger, South Dakota. He grew up in the Badger and Brookings communities and attended school there;

WHEREAS, Lauritz Pedersen graduated from South Dakota State University with degrees in engineering and education. He taught school for seven years before going to work for the United States Soil Conservation Service as an engineer. He served in this capacity for thirty years in the Chamberlain, Winner, Mitchell, and Highmore, South Dakota, areas;

WHEREAS, Lauritz Pedersen married Helen Lindskov on February 10, 1934, in Isabel, South Dakota. To this union were born four sons: Marlin, Dwain, Dwite, and Clio. Helen passed away on December 7, 1971, shortly after they had retired and moved back to Winner, South Dakota;

WHEREAS, on February 1, 1974, Lauritz Pedersen married R. Delight Arends. They lived in Winner until moving to Mt. Ayr, Iowa, in August of 2001;

WHEREAS, Lauritz Pedersen was a member of the Immaculate Conception Catholic Church in Winner, the Knights of Columbus, and the 4th degree Rosebud General Assembly;

WHEREAS, Lauritz Pedersen is survived by his wife, Delight; four sons and daughters-in-law: Marlin (Sharon), Dwain (Shelia), Dwite (Poe), and Clio (Ethel); one step-daughter and son-in-law, Ruth Ann McDonnell (Randy); fourteen grandchildren; eighteen great-grandchildren; one sister, Elsie Van Heck; and other relatives.

WHEREAS, Lauritz Pedersen was preceded in death by his first wife, Helen, his parents, a brother and sister, and an infant grandchild.

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

1. That the Legislature expresses its sympathy to State Senator Dwite Pedersen and the other members of the family of Lauritz Pedersen.

2. That a copy of this resolution be sent to the family of Lauritz Pedersen.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 111. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Smith's aunt and uncle, Giles and Judy Smith, from Gering; Katie Jensen from Hooper; 13 ninth-grade students and teacher from Lincoln East High School; Senator Engel's granddaughter, Claire Holmquist, from Lincoln; 17 members and coordinators of the Delta Kappa Gamma Society from across the state; and 60 fourth-grade students and teachers from Hamlow Elementary School, Waverly.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Monday, March 10, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 10, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 10, 2003

PRAYER

The prayer was offered by Dr. Robert Rademacher, Lutheran Churches, Kennard, Nebraska.

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 Senators Byars, Hartnett, and Mossey who were excused; and Senators Combs, Cunningham, Landis, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

ANNOUNCEMENTS

Senator Byars designates LB 513 as his priority bill.

Senator Smith designates LB 303 as his priority bill.

The Education Committee designates LB 574 as its priority bill.

ATTORNEY GENERAL'S OPINIONSOpinion # 03002

DATE: March 6, 2003

SUBJECT: Constitutionality of LB 226, Reimbursement of Labor Organizations for Legal Representation in Grievance or Legal Actions by Nonmember Employees.

REQUESTED BY: Senator Gene Tyson; Vice Chairperson
Banking, Commerce and Insurance Committee

WRITTEN BY: Jon Bruning, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested the opinion of the Attorney General regarding the constitutional validity of proposed legislation requiring reimbursement of a labor organization for certain representation costs by employees who are not members of the labor organization. The specific question asked is whether the provisions of LB 226 would be violative of Art. XV, sec. 13 of the Nebraska Constitution, commonly referred to as the "right to work" law.

Section 1 of LB 226 would add a new statutory provision as set forth below:

If an employee who is not a member of a labor organization, as defined in section 48-218, chooses to have legal representation from the labor organization in any grievance or legal action, such employee shall reimburse the labor organization for his or her pro rata share of the actual legal fees and court costs incurred by the labor organization in representing the employee in such grievance or legal action.

(Emphasis added).

Section 2 of the bill would amend Neb. Rev. Stat. §48-217 (1998) in the following respects:

To make operative the provisions of sections 13, 14, and 15 of Article XV of the Constitution of Nebraska, no person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join; or affiliate with, ~~or pay a fee either directly or indirectly to~~ a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization.

Article XV, sec. 13 of the Nebraska Constitution states:

No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership or nonmembership in a labor organization.

The Nebraska Supreme Court has determined that a purpose of Art. XV, sec. 13 is to provide that employment of an individual cannot be based upon his or her membership in a labor organization. *Lincoln Federal Labor Union v. Northwestern Iron and Metal Co.*, 149 Neb. 507, 31 N.W.2d 477 (1948). The constitutional amendment was enacted in 1946 as the result of a referendum petition, thus there is no applicable history. In 1947, LB 344, which contained substantially similar language was enacted by the Legislature. The legislative history indicates that the principal concern was prohibiting closed shop provisions, although mention was made of prohibiting other forms of union security. *Op. Att'y Gen. No. 82* (March 13, 1979)(quoting report of the Attorney General, 1959-1960, No. 173, at 295-96).

LB 226 authorizes reimbursement of the labor organization by a nonmember employee for representation costs of the labor organization if the employee chooses representation by the labor organization. This type of provision is generally recognized as a "fair share" arrangement. A "fair share" arrangement differs from an "agency shop" arrangement. The "agency shop" is an agreement between an employer and union organization that employees who are not union members shall, as a condition of continued employment, contribute an equal amount to the fees and dues paid by union members. This device owes its conception to the existence of "right to work laws" in nineteen of the United States. See Report of the Attorney General, 1959-60, No. 173, at 295.

We have found no Nebraska case authority that has addressed the validity of "fair share" arrangements in the context of Nebraska's right to work law. In other jurisdictions, courts have found that union security devices such as agency shop provisions and fair share arrangements are violative of states' right to work laws. See e.g. *Independent Guard Association v. Wackenhut, Servs.*, 90 Nev. 198, 522 P.2d 1010 (1974); *State Employees Association v. Mills*, 115 N.H. 473, 342 A.2d 6 (1975); *Ficek v. International Brotherhood of Boilermaker, Iron Shop Builders, Blacksmiths, Forgers and Helpers, Local #647*, 219 N.W.2d 860 (N. Dak. 1974); *Schmerhorn v. Retail Clerks International Association*, 141 So.2d 269 (Fla. 1962). Also see *Florida Education Association/United v. Public Employees Relations Comm'n*, 346 So.2d 551 (Fla. Dist. Ct. App. 1977)(finding that an agreement which requires nonmember teachers to contribute fair share fees for services of bargaining representatives as a condition of employment to be violative of the state's right to work laws.)

This office has previously addressed constitutional issues concerning fair share legislative proposals. In *Op. Att'y Gen. No. 82* (March 5, 1979), we considered whether a proposed legislative act which would authorize an agreement between the employer and the labor organization certifying the labor organization as the exclusive bargaining agent was constitutionally offensive. The proposal would have required the employee to pay the labor organization a service fee equivalent to the employee's proportionate share of the organization's costs of negotiating and administering a collective

bargaining contract and processing grievances under the agreement. It was concluded the provisions were constitutionally suspect under Art. XV, sec. 13 of the Nebraska Constitution because the required payment of a service fee forces an employee to join or affiliate with a labor organization as a condition of employment. *id.* at 3.

More recently, the question of the constitutional validity of a legislative proposal which would require nonunion employees in a bargaining unit covered by a collective bargaining unit to pay fees to the labor organization was addressed. The "fair share" amount would have represented the proportionate share of the cost borne by the labor organization in representing the nonmember employees. We concluded that the fair share provisions were constitutionally suspect under Art. XV, sec. 13 of the Nebraska Constitution. Op. Att'y Gen. No. 93009 (February 19, 1993) at 3.

The fair share provisions of LB 226 differ from constitutionally suspect provisions of the previous legislative proposals because membership or affiliation with a labor organization is not coerced as a condition of employment. The provisions of LB 226 neither compel nor require a nonmember employee to join or affiliate with a labor organization because the representation by the labor organization is not mandated as a condition of employment. Rather, the employee is required to reimburse the labor organization for his or her share of actual legal fees and costs incurred by the labor organization only if the employee chooses representation by the organization.

The precise issue presented by the provisions of LB 226 under similar circumstances has been considered by the Supreme Court of Nevada. In *Cone v. Nebraska Service Employees Union/SEIU Local 1107*, 116 Nev. 473, 998 P.2d 1178 (2000), the court addressed the question whether reimbursement or the imposition of fees on nonunion employees for representation by the union in grievance matters violated the state's right to work laws. Under the facts of the case, a union policy established a fee schedule for all members of the union for representation in grievance matters and notified nonunion employees that they could select outside counsel to represent them in bargaining unit matters. The Supreme Court of Nevada concluded that the policy of imposing fees on nonunion members of a bargaining unit for representation in grievance matters did not violate the state's right to work laws. The court concluded that the policy was not like an agency shop agreement because paying a service fee for grievance representation was not a condition of employment. In so concluding, the court stated: "(A)n individual could opt to hire his or her own legal counsel, and thereby forego giving the union any money at all without fear of losing his or her job." *id.* at 478, 998 P.2d at 1181.

We think the rationale of *Cone* is persuasive. The provisions of LB 226 do not compel a nonmember employee to pay any amounts to a labor organization if the employee opts to have representation other than representation by the labor organization. Accordingly, a nonmember would

not be required to pay any amount to the labor organization as a condition of obtaining or retaining his or her employment. For these reasons, it is our opinion that the provisions of LB 226 are not offensive to Art. XV, sec. 13 of the Nebraska Constitution.

Sincerely,
JON BRUNING
Attorney General
(Signed) Fredrick F. Ned
Assistant Attorney General

21-260-09

Opinion # 03003

DATE: March 7, 2003

SUBJECT: LB 550; LB 551; Termination Of Bridge Commissions
For Interstate County Bridges And Transfer Of Their
Duties.

REQUESTED BY: Senator Mark Quandahl
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

The Nebraska Statutes dealing with "Interstate County Bridges" are found at Neb. Rev. Stat. §§ 39-855 through 39-876 (1998). Those statutes generally provide for the construction and operation of highway bridges between Nebraska and adjoining states. Among other things, those statutes allow Nebraska counties and municipal corporations to create bridge commissions for the construction and operation of interstate bridges, to issue revenue bonds for bridge construction, and to charge tolls on interstate bridges for payment of those revenue bonds.

At least two bills introduced during this legislative session deal with various aspects of the statutes pertaining to Interstate County Bridges. LB 550 would amend § 39-867 to state that when the revenue bonds issued by a city or city-appointed bridge commission for a particular bridge are paid in full, the ownership of that bridge would be transferred to the county in Nebraska in which the Nebraska end of the bridge is located. At that time, any existing bridge commission for such a bridge would be dissolved, and the county would take over the obligations of that commission. The county could collect tolls on the bridge to pay for its management, maintenance and upkeep.

LB 551, on the other hand, would amend § 39-856 so as to add many of the same provisions to that statute as those which would be added to § 39-867 by LB 550, except that the entity which would be designated to take

over a bridge after its revenue bonds were paid off would be the city where the Nebraska end of the bridge is located, rather than the county. LB 551 would also allow a city so designated to defer dissolution of the bridge commission in question.

Given the introduction of LB 550 and LB 551, you have requested our opinion as to "which governmental entity is responsible for operating and maintaining the Bellevue Bridge once the outstanding bonds have been satisfied." In that context, you have posed two specific questions to us:

1. When does the [Bellevue Bridge] Commission's responsibility to operate and maintain the bridge terminate?
2. Which governmental entity does the [Bellevue Bridge] Commission transfer responsibility for management of the bridge to upon satisfaction of the outstanding bondholders?

After conversations with your staff, we understand that both of your specific questions pertain to the current status of the law involving the Bellevue Bridge, and assume that neither LB 550 or LB 551 has been enacted.

Both of your specific questions regarding the Bellevue Bridge Commission presume that the Commission's responsibility to operate the bridge terminates at some point under existing law, and that at that point, either a county or a city will be required to take over management and operation of the bridge.¹ However, our review of the existing law in this area leads us to a different conclusion.

Neb. Rev. Stat. § 39-868 (1998) provides that a bridge commission created under the statutes pertaining to Interstate County Bridges shall be a "public body corporate and politic" with the power "to contract, to sue and be sued, and to adopt a seal and alter the same at pleasure." Neb. Rev. Stat. § 39-870 (1998) provides further that:

The [bridge] commission shall have power to establish bylaws, rules and regulations for its own government, and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers under sections 30-868 to 39-870. The commission may employ engineering, architectural and construction experts and inspectors, and attorneys, and such other employees as may be necessary in its opinion, and fix their compensations, all of whom shall do such work as the commission shall direct.

As a result, a bridge commission under the statutes pertaining to Interstate County Bridges is a public body corporate and politic with substantial powers to manage and conduct its own affairs.

We have been unable to find any Nebraska cases which define the terms

"body corporate" or "body corporate and politic." However, cases from other jurisdictions indicate that the term "body corporate" is a term applied to corporations, public and private. *Isner v. Interstate Commerce Commission*, 90 F. Supp. 361 (E.D. Mich. S.D. 1950). In addition, the term "body corporate and politic" is a term applied to public corporations having the powers and duties of government. *Utah State Building Commission, for Use and Benefit of Mountain States Supply Co. v. Great American Indemnity Co.*, 105 Utah 11, 140 P.2d 763 (1943). Therefore, it appears to us that bridge commissions created under the Interstate County Bridge statutes, including the Bellevue Bridge Commission, are public corporations, having governmental duties and powers.

Generally, a corporation will exist indefinitely and until it is legally dissolved, if the period of its existence is not limited by its charter. *Pontiac Improvement Co. v. Leisy*, 144 Neb. 705, 14 N.W.2d 384 (1944); 18 C.J.S. Corporations § 52. And, a corporation will continue to exist during, but not beyond, the period to which its existence is limited by its charter or by constitutional or statutory provisions. 18 C.J.S. Corporations § 52.

In the present instance, we have reviewed the various provisions of the statutes pertaining to Interstate County Bridges, and we have found no statutory provisions pertaining to dissolution of the bridge commissions created under those statutes. Nor have we found anything in those statutes which speaks generally to the termination of a bridge commission's responsibility to operate and maintain a bridge after its revenue bonds are retired, apart from a provision in § 39-867 which provides that bridge tolls shall be discontinued upon the payment of certain revenue refunding bonds. Consequently, absent some provision in the charter of the Bellevue Bridge Commission dealing with the dissolution of that commission², we believe that the Bellevue Bridge Commission and its obligation to maintain and operate the Bellevue Bridge continue indefinitely, even after satisfaction of the outstanding revenue bonds involving that structure. Under those circumstances, the Commission is not required to transfer its responsibilities with respect to the bridge to any other governmental entity. A different result involving termination of the Bellevue Bridge Commission would require passage of LB 550, LB 551 or other similar legislation.

¹Your opinion request contains few specifics, but we assume that the governmental entities involved with the Bellevue Bridge are Sarpy County and the City of Bellevue.

²We have not been provided with any materials pertaining to the charter of the Bellevue Bridge Commission, so we have no information as to what that charter may provide, if anything, regarding dissolution of the commission.

Sincerely yours,
JON BRUNING
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
05-154-21

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 235. Placed on General File.
LEGISLATIVE BILL 476. Placed on General File.
LEGISLATIVE BILL 549. Placed on General File.
LEGISLATIVE BILL 720. Placed on General File.

LEGISLATIVE BILL 97. Placed on General File as amended.
Standing Committee amendment to LB 97:
AM0413

1 1. On page 3, strike beginning with the comma in line 21
2 through "such" in line 22 and insert "subject to the following:
3 (a) There is reserved to the city the right to maintain, operate,
4 repair, and renew sewers now existing there and (b) there is
5 reserved to the public utilities and cable television systems the
6 right to maintain, repair, renew, and operate installed water
7 mains, gas mains, pole lines, conduits, electrical transmission
8 lines, sound and signal transmission lines, and other similar
9 services and equipment and appurtenances above, on, and below the
10 surface of the ground for the purpose of serving the general public
11 or abutting properties, including such lateral connection or branch
12 lines as may be ordered or permitted by the city or such other
13 utility or cable television system and to enter upon the premises
14 to accomplish such purposes at any and all reasonable times. The
15 city shall, within thirty days after the effective date of the
16 vacation, file a certified copy of the vacating ordinance or
17 resolution with the register of deeds for the county in which the
18 vacated property is located to be indexed against all affected
19 lots".

LEGISLATIVE BILL 91. Indefinitely postponed.
LEGISLATIVE BILL 277. Indefinitely postponed.
LEGISLATIVE BILL 615. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Education

LEGISLATIVE BILL 513. Placed on General File.

(Signed) Ron Raikes, Chairperson

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 619:
AM0701

(Amendments to Standing Committee amendments, AM0380)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 2-1575, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 2-1575. Sections 2-1575 to 2-1585 and section 2 of this
- 5 act shall be known and may be cited as the Nebraska Soil and Water
- 6 Conservation Act.
- 7 Sec. 2. Payments may be made from the Nebraska Soil and
- 8 Water Conservation Fund to the owners of private land for the
- 9 purpose of adopting or implementing practices or measures to reduce
- 10 the consumptive use of water in river basins in which an interstate
- 11 agreement, compact, or decree could require reduction in water
- 12 usage.
- 13 Payments made pursuant to this section may be made as
- 14 part of research, cost-sharing, or other programs implemented by
- 15 natural resources districts, irrigation districts, or other
- 16 entities to develop voluntary incentive-based practices or measures
- 17 to reduce the consumptive use of water.
- 18 Payments made pursuant to this section shall be in
- 19 accordance with terms and conditions established by the commission.
- 20 The commission may establish terms and conditions for receipt of
- 21 payments under this section which are different than those
- 22 established for receipt of payments pursuant to section 2-1579."
- 23 2. On page 17, line 7, after "sections" insert
- 1 "2-1575,".
- 2 3. Renumber the remaining sections and correct internal
- 3 references accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 43. Read. Considered.

Senator Bromm asked unanimous consent to have all the senators' names added as cointroducers to LR 43. No objections. So ordered.

LR 43 was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 43.

GENERAL FILE

LEGISLATIVE BILL 165. Senator Beutler renewed his pending amendment, FA1191, found on page 754.

Senator Beutler withdrew his amendment.

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

Advanced to E & R for review with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 435. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 61, 127, 161, 175, 219, 234, 234A, 561, 562, 562A, and 563.

ER9032

Enrollment and Review Change to LB 61

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 16, line 28, "has" has been struck, shown as stricken, and "have" inserted.

ER9029

Enrollment and Review Change to LB 234

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "an" has been inserted after "for"; and in line 2 "hearings" has been struck and "process" inserted.

ER9028

Enrollment and Review Change to LB 561

The following changes, required to be reported for publication in the

Journal, have been made:

1. On page 2, line 16, "grant" has been struck, shown as stricken, and "grants" inserted.

ER9033

Enrollment and Review Change to LB 562

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7066, on page 1, line 8, "and redefine" has been struck and ", redefine, and eliminate" inserted.

2. On page 20, line 19, "and" has been inserted after the semicolon.

ER9027

Enrollment and Review Change to LB 563

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "60-305.02," has been inserted after the first comma; and in line 12 "interstate" has been struck and "interjurisdiction" inserted.

(Signed) Ray Mossey, Chairperson

NOTICE OF COMMITTEE HEARING

Judiciary
Room 1113

LB 808 Wednesday, March 19, 2003

1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 688. Title read. Considered.

The Standing Committee amendment, AM0074, found on page 576, was considered.

Senator Chambers renewed his pending amendment, FA1185, found on page 699, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

SPEAKER BROMM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment was adopted with 41 ayes, 0 nays, 3 present and

not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 348. Placed on General File as amended.

Standing Committee amendment to LB 348:

AM0690

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 37-324, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 37-324. (1) The funds derived from the sale of permits
- 6 and publications as provided in the Game Law, any unexpended
- 7 balance now on hand from the sale of hunting, fur-harvesting, and
- 8 fishing permits, and all money required by the Game Law to be paid
- 9 into the State Game Fund are hereby appropriated to the use of the
- 10 commission (a) for the propagation, importation, protection,
- 11 preservation, and distribution of game and fish and necessary
- 12 equipment therefor and all things pertaining thereto, (b) for the
- 13 creation of cash funds under section 37-326, (c) for the
- 14 administration and enforcement of the State Boat Act, (d) for
- 15 boating safety educational programs, (e) for the construction and
- 16 maintenance of boating and docking facilities, navigation aids, and
- 17 access to boating areas and such other uses which will promote the
- 18 safety and convenience of the boating public in Nebraska, and (f)
- 19 ~~(e)~~ for publishing costs for publications relating to topics listed
- 20 in subdivisions (a) ~~through (d)~~ and (b) of this subsection and
- 21 other topics of general interest to the state as approved by the
- 22 commission. An amount equal to two dollars from each annual
- 23 resident fishing permit and two dollars from each combination
- 24 hunting and fishing permit sold in this state shall be used by the
- 1 commission for the administration, construction, operation, and
- 2 maintenance of fish hatcheries and for the distribution of fish.
- 3 (2) Expenditures for publications on topics of general
- 4 interest to the state shall not exceed the income derived from
- 5 single-copy and subscription sales of commission publications and
- 6 advertising revenue from such publications.
- 7 Sec. 2. Section 37-1214, Revised Statutes Supplement,
- 8 2002, is amended to read:
- 9 37-1214. (1) Except as otherwise provided in section
- 10 37-1211, the owner of each motorboat shall register such vessel or

11 renew the registration every three years as provided in section
12 37-1226. The owner of such vessel shall file an initial
13 application for a certificate of number pursuant to section 37-1216
14 with the ~~county treasurer of the county in which the applicant~~
15 ~~resides or, in the case of a nonresident, with any a county~~
16 treasurer on forms approved and provided by the commission. The
17 application shall be signed by the owner of the vessel, shall
18 contain the year manufactured, and shall be accompanied by a fee
19 for the three-year period of not less than fifteen dollars and not
20 more than twenty dollars for Class 1 boats, not less than thirty
21 dollars and not more than forty dollars for Class 2 boats, not less
22 than forty-five dollars and not more than sixty dollars for Class 3
23 boats, and not less than seventy-five dollars and not more than one
24 hundred dollars for Class 4 boats, as established by the commission
25 pursuant to section 37-327.

26 (2) If a county board consolidates services under the
27 office of a designated county official other than the county
1 treasurer pursuant to section 23-186, the powers and duties of the
2 county treasurer relating to registration under sections 37-1214 to
3 37-1227 shall be performed by the designated county official.

4 Sec. 3. Section 37-1241.04, Revised Statutes Supplement,
5 2002, is amended to read:

6 37-1241.04. (1) A person shall operate a personal
7 watercraft on the waters of this state in a reasonable and prudent
8 manner. A maneuver which unreasonably or unnecessarily endangers
9 life, limb, or property is prohibited and includes weaving through
10 congested vessel traffic, ~~or jumping the wake produced by another~~
11 ~~vessel at a distance of less than thirty fifty yards, or jumping~~
12 the wake produced by a motorboat or personal watercraft that is
13 towing a person or persons.

14 (2) A person shall not operate a personal watercraft on
15 the waters of this state unless he or she is facing forward on the
16 watercraft.

17 Sec. 4. Section 37-1241.06, Revised Statutes Supplement,
18 2002, is amended to read:

19 37-1241.06. (1)(a) No person under fourteen years of age
20 shall operate a motorboat or personal watercraft on the waters of
21 this state.

22 (b) No person under sixteen years of age shall operate a
23 motorboat or personal watercraft on the waters of this state with
24 an individual in tow behind the motorboat or personal watercraft.

25 (2) Effective May 1, 2000, and until January 1, 2004, a
26 person under sixteen years of age shall not operate a motorboat or
27 personal watercraft on the waters of this state unless he or she
1 has successfully completed a boating safety course approved by the
2 commission and has been issued a valid boating safety certificate.

3 (3) Effective January 1, 2004, a person under eighteen
4 years of age shall not operate a motorboat or personal watercraft
5 on the waters of this state unless he or she has successfully

6 completed a boating safety course approved by the commission and
7 has been issued a valid boating certificate.

8 (4) Effective January 1, 2005, a person under twenty-five
9 years of age shall not operate a motorboat or personal watercraft
10 on the waters of this state unless he or she has successfully
11 completed a boating safety course approved by the commission and
12 has been issued a valid boating certificate.

13 (5) ~~No person under fourteen years of age shall operate a~~
14 ~~personal watercraft on the waters of this state.~~ The commission
15 may charge a fee of no more than ten dollars for a boating safety
16 course required by this section.

17 Sec. 5. Section 37-1241.07, Revised Statutes Supplement,
18 2002, is amended to read:

19 37-1241.07. ~~Effective May 1, 2000 on the operative date~~
20 of this section, the owner of a boat livery, or his or her agent or
21 employee, shall not lease, hire, or rent a motorboat or personal
22 watercraft to, or for operation by, any person under sixteen
23 eighteen years of age, unless the person presents his or her
24 certificate issued under section 37-1241.06.

25 Sec. 6. Section 37-1256, Revised Statutes Supplement,
26 2002, is amended to read:

27 37-1256. (1) In the case of collision, accident, or
1 other casualty involving a vessel, the operator thereof, if the
2 collision, accident, or other casualty results in death, a missing
3 person, or injury to a person or damage to property in excess of
4 five hundred dollars, shall file with the commission a full
5 description of the collision, accident, or other casualty,
6 including such information and within such time limit as the
7 commission may by regulation require.

8 (2) The commission or any other law enforcement agency
9 shall notify the Nebraska State Patrol as soon as practicable in
10 any cases of collision, accident, or other casualty involving a
11 vessel, when the collision, accident, or other casualty results in
12 death, a missing person, or life-threatening injury to a person.

13 (3) The Nebraska State Patrol shall collaborate with the
14 commission or any other law enforcement agency in any
15 investigations pursuant to this section to assure that such
16 investigations are conducted in accordance with accepted practices.

17 Sec. 7. Section 37-1273, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 37-1273. All fees as provided by the State Boat Act
20 shall be remitted to the ~~state treasury and by the State Treasurer~~
21 placed in for credit to the State Game Fund to be used primarily
22 for (1) administration and enforcement of the State Boat Act, (2)
23 boating safety educational programs, (3) the construction and
24 maintenance of boating and docking facilities, navigation aids, and
25 access to boating areas and such other uses as will promote the
26 safety and convenience of the boating public in Nebraska, and (4)
27 publishing costs subject to the restrictions and limitations in

1 section 37-324. Secondary uses for the fees shall be for the
 2 propagation, importation, protection, preservation, and
 3 distribution of game and fish and necessary equipment therefor and
 4 all things pertaining thereto. Such fund, when appropriated by the
 5 Legislature, shall be used (1) for the propagation, importation,
 6 protection, preservation, and distribution of game and fish and
 7 necessary equipment therefor and all things pertaining thereto; (2)
 8 for administration and enforcement of the State Boat Act, (3) for
 9 the construction and maintenance of boating and docking facilities,
 10 navigation aids, and access to boating areas and such other uses as
 11 will promote the safety and convenience of the boating public in
 12 Nebraska, and (4) for publishing costs subject to the restrictions
 13 and limitations in section 37-324.
 14 Sec. 8. Sections 1 to 3, 6, 7, and 9 of this act become
 15 operative on June 1, 2003. The other sections of this act become
 16 operative on their effective date.
 17 Sec. 9. Original sections 37-324 and 37-1273, Reissue
 18 Revised Statutes of Nebraska, and sections 37-1214, 37-1241.04, and
 19 37-1256, Revised Statutes Supplement, 2002, are repealed.
 20 Sec. 10. Original sections 37-1241.06 and 37-1241.07,
 21 Revised Statutes Supplement, 2002, are repealed.
 22 Sec. 11. Since an emergency exists, this act takes
 23 effect when passed and approved according to law."

LEGISLATIVE BILL 739. Placed on General File as amended.
 Standing Committee amendment to LB 739:
 AM0699

- 1 1. Insert the following new sections:
- 2 "Sec. 2. If any section in this act or any part of any
- 3 section is declared invalid or unconstitutional, the declaration
- 4 shall not affect the validity or constitutionality of the remaining
- 5 portions.
- 6 Sec. 4. Since an emergency exists, this act takes effect
- 7 when passed and approved according to law."
- 8 2. On page 2, line 24, after "from" insert "the majority
- 9 of".
- 10 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 748. Indefinitely postponed.

LEGISLATIVE BILL 779. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

General Affairs

LEGISLATIVE BILL 367. Placed on General File as amended.
 Standing Committee amendment to LB 367:
 AM0731

- 1 1. On page 2, line 18, strike the second "October" and

2 insert "January"; and in line 25 strike "October" and insert
3 "January".

LEGISLATIVE BILL 393. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 437. Placed on General File as amended.

Standing Committee amendment to LB 437:

AM0716

- 1 1. On page 2, line 10, strike the new matter and
- 2 reinstate the stricken matter.

LEGISLATIVE BILL 310. Indefinitely postponed.

LEGISLATIVE BILL 463. Indefinitely postponed.

LEGISLATIVE BILL 582. Indefinitely postponed.

LEGISLATIVE BILL 584. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 80. Indefinitely postponed.

LEGISLATIVE BILL 109. Indefinitely postponed.

LEGISLATIVE BILL 163. Indefinitely postponed.

LEGISLATIVE BILL 193. Indefinitely postponed.

LEGISLATIVE BILL 284. Indefinitely postponed.

LEGISLATIVE BILL 398. Indefinitely postponed.

LEGISLATIVE BILL 399. Indefinitely postponed.

LEGISLATIVE BILL 519. Indefinitely postponed.

LEGISLATIVE BILL 520. Indefinitely postponed.

LEGISLATIVE BILL 543. Indefinitely postponed.

LEGISLATIVE BILL 577. Indefinitely postponed.

LEGISLATIVE BILL 578. Indefinitely postponed.

LEGISLATIVE BILL 635. Indefinitely postponed.

LEGISLATIVE BILL 642. Indefinitely postponed.

LEGISLATIVE BILL 649. Indefinitely postponed.

LEGISLATIVE BILL 677. Indefinitely postponed.

LEGISLATIVE BILL 728. Indefinitely postponed.

LEGISLATIVE BILL 734. Indefinitely postponed.

LEGISLATIVE BILL 749. Indefinitely postponed.

LEGISLATIVE BILL 769. Indefinitely postponed.

LEGISLATIVE BILL 774. Indefinitely postponed.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 688. Senator Beutler withdrew his pending amendment, AM0698, found on page 755.

Senator Beutler offered the following amendment:

AM0743

- 1 1. In the Standing Committee amendments, AM0074, in line
- 2 9 after "stipend" insert "or similarly restricting hours of
- 3 participation"
- 4 2. Insert the following new section:
- 5 "Sec. 7. As an alternative to the requirement of section
- 6 4 of this act, the university may limit the number of hours
- 7 required to participate in intercollegiate athletics to such number
- 8 that participation in a sport would not impede the student
- 9 athlete's ability to carry a regular academic workload which allows
- 10 such student athlete to graduate in four years, will allow the
- 11 student athlete adequate time to participate in the intellectual
- 12 and cultural activities on campus, and further will allow the
- 13 student athlete to work an average of at least twelve hours per
- 14 week during the academic school year."
- 15 3. Renumber the remaining section accordingly.

Pending.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 56, 157, 228, 228A, 418, and 537.

ER9034

Enrollment and Review Change to LB 56

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7071, on page 2, line 14, "effective" has been struck and "operative" inserted.

ER9035

Enrollment and Review Change to LB 228

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 16, line 14, "to" has been struck.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 756. Placed on General File as amended.
Standing Committee amendment to LB 756:
AM0727

- 1 1. Strike the original sections and insert 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 Cancer Drug Repository Program Act.
- 5 Sec. 2. For purposes of the Cancer Drug Repository
- 6 Program Act:
- 7 (1) Cancer drug means a prescription drug used to treat
- 8 (a) cancer or (b) the side effects of a prescription drug used to
- 9 treat cancer;
- 10 (2) Department means the Department of Health and Human
- 11 Services Regulation and Licensure;
- 12 (3) Health care facility has the definition found in
- 13 section 71-413;
- 14 (4) Health clinic has the definition found in section
- 15 71-416;
- 16 (5) Hospital has the definition found in section 71-419;
- 17 (6) Pharmacy has the definition found in section 71-425;
- 18 (7) Physician office means the office of a physician or
- 19 an osteopathic physician;
- 20 (8) Prescribing practitioner means a health care
- 21 practitioner licensed under the Uniform Licensing Law who is
- 22 authorized to prescribe cancer drugs; and
- 23 (9) Prescription drug has the definition found in section
- 24 71-1,142.
- 1 Sec. 3. The department shall establish a cancer drug
- 2 repository program for accepting donated cancer drugs and
- 3 dispensing such drugs to Nebraska residents. Participation in the
- 4 program shall be voluntary.
- 5 Sec. 4. Any person or entity, including but not limited
- 6 to, a cancer drug manufacturer or health care facility, may donate
- 7 cancer drugs to the cancer drug repository program. Cancer drugs
- 8 may be donated at a physician office, pharmacy, hospital, or health
- 9 clinic that elects to participate in the program and meets criteria
- 10 established by the department for such participation.
- 11 Sec. 5. (1) A cancer drug shall only be accepted or
- 12 dispensed under the cancer drug repository program if such drug is
- 13 in its original, unopened, sealed, and tamper-evident unit dose
- 14 packaging, except that a cancer drug packaged in single unit doses
- 15 may be accepted and dispensed if the outside packaging is opened
- 16 but the single-unit-dose packaging is unopened.
- 17 (2) A cancer drug shall not be accepted or dispensed

18 under the cancer drug repository program if (a) such drug bears an
19 expiration date that is earlier than six months after the date the
20 drug was donated or (b) such drug is adulterated or misbranded as
21 described in section 71-2401 or 71-2402.

22 (3) Subject to limitations provided in this section,
23 unused cancer drugs dispensed under the medical assistance program
24 established in section 68-1018 may be accepted and dispensed under
25 the cancer drug repository program.

26 Sec. 6. (1) A physician office, pharmacy, hospital, or
27 health clinic that accepts donated cancer drugs under the cancer
1 drug repository program shall comply with all applicable provisions
2 of state and federal law relating to the storage, distribution, and
3 dispensing of such drugs and shall inspect all such drugs prior to
4 dispensing to determine if they are adulterated or misbranded as
5 described in section 71-2401 or 71-2402. Such drugs shall only be
6 dispensed pursuant to a prescription issued by a prescribing
7 practitioner. Such drugs may be distributed to another
8 participating physician office, pharmacy, hospital, or health
9 clinic for dispensing.

10 (2) A physician office, pharmacy, hospital, or health
11 clinic may charge a handling fee for distributing or dispensing
12 cancer drugs under the cancer drug repository program. Such fee
13 shall be established in rules and regulations adopted and
14 promulgated by the department. Cancer drugs donated under the
15 program shall not be resold.

16 Sec. 7. (1) Any person or entity which exercises
17 reasonable care in donating, accepting, distributing, or dispensing
18 cancer drugs under the Cancer Drug Repository Program Act or rules
19 and regulations adopted and promulgated under the act shall be
20 immune from civil or criminal liability or professional
21 disciplinary action of any kind for any injury, death, or loss to
22 person or property relating to such activities.

23 (2) The donation of a cancer drug by a cancer drug
24 manufacturer does not absolve the manufacturer of any criminal or
25 civil liability that would have existed but for the donation,
26 including, but not limited to, liability for failure to transfer or
27 communicate product or consumer information or the expiration date
1 of the donated cancer drug.

2 Sec. 8. The department, with the approval of the Board
3 of Pharmacy, shall adopt and promulgate rules and regulations to
4 carry out the Cancer Drug Repository Program Act. Initial rules
5 and regulations under the act shall be adopted and promulgated no
6 later than ninety days after the operative date of the act. Such
7 rules and regulations shall include, but are not limited to:

8 (1) Eligibility criteria and other standards and
9 procedures for physician offices, pharmacies, hospitals, and health
10 clinics that accept and distribute or dispense donated cancer
11 drugs;

12 (2) Necessary forms for administration of the cancer drug

13 repository program, including, but not limited to, forms for use by
14 persons or entities that donate, accept, distribute, or dispense
15 cancer drugs under the program;

16 (3) The maximum handling fee that may be charged by
17 physician offices, pharmacies, hospitals, or health clinics that
18 accept and distribute or dispense donated cancer drugs; and

19 (4)(a) Categories of cancer drugs that the cancer drug
20 repository program will accept for dispensing and (b) categories of
21 cancer drugs that the program will not accept for dispensing and
22 the reason that such drugs will not be accepted.

23 Sec. 9. This act becomes operative on September 15,
24 2003."

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Jones filed the following amendment to LB 619:
AM0668

(Amendments to Standing Committee amendments, AM0380)

1 1. Insert the following new sections:
2 "Sec. 5. Section 46-642, Revised Statutes Supplement,
3 2002, is amended to read:
4 46-642. (1) If the Director of Natural Resources finds
5 that the withdrawal and transportation of ground water requested by
6 the applicant are reasonable, are not contrary to the conservation
7 and beneficial use of ground water, and are not otherwise
8 detrimental to the public welfare, he or she shall grant a permit
9 to the applicant to withdraw and transport water in the amount
10 applied for or in a lesser amount. The permit so granted shall
11 have a priority date as of the time when the application is filed
12 with the director.

13 (2) In determining whether to grant or deny a permit
14 under subsection (1) of this section, the director shall consider
15 the factors set forth in subdivisions (1) through (7) of section
16 46-613.01.

17 Sec. 7. Section 46-683, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 46-683. (1) The director shall issue a written order
20 containing specific findings of fact either granting or denying a
21 permit. The director shall grant a permit only if he or she finds
22 that the applicant's withdrawal and any transfer of ground water
23 are in the public interest. In determining whether the withdrawal
24 1 and transfer, if any, are in the public interest, the director's
2 considerations shall include, but not be limited to:
3 (a) Possible adverse effects on existing surface or
4 ground water users;
5 (b) The effect of the withdrawal and any transfer of
6 ground water on surface or ground water supplies needed to meet

7 reasonably anticipated domestic and agricultural demands in the
8 area of the proposed ground water withdrawal;

9 (c) The availability of alternative sources of surface or
10 ground water reasonably accessible to the applicant in or near the
11 region of the proposed withdrawal or use;

12 (d) The economic benefit of the applicant's proposed use;

13 (e) The social and economic benefits of existing uses of
14 surface or ground water in the area of the applicant's proposed use
15 and any transfer;

16 (f) Any waivers of liability from existing users filed
17 with the director; ~~and~~

18 (g) The effects on interstate compacts or decrees and the
19 fulfillment of the provisions of any other state contract or
20 agreement; and

21 (h) Other factors reasonably affecting the equity of
22 granting the permit.

23 (2) The director may grant a permit for less water than
24 requested by the applicant. The director may also impose
25 reasonable conditions on the manner and timing of the ground water
26 withdrawals and on the manner of any transfer of ground water which
27 the director deems necessary to protect existing users of water.

1 The director shall issue such written order within ninety days of
2 the hearing.

3 Sec. 8. Section 46-691, Revised Statutes Supplement,
4 2002, is amended to read:

5 46-691. (1) Any person who withdraws ground water for
6 agricultural purposes, or for any purpose pursuant to a ground
7 water remediation plan as required under the Environmental
8 Protection Act, including the providing of water for domestic
9 purposes, from aquifers located within the State of Nebraska may
10 transfer the use of the ground water off the overlying land if the
11 ground water is put to a reasonable and beneficial use within the
12 State of Nebraska and is used for an agricultural purpose, or for
13 any purpose pursuant to a ground water remediation plan as required
14 under the Environmental Protection Act, including the providing of
15 water for domestic purposes, after transfer, and if such
16 withdrawal, transfer, and use (a) will not significantly adversely
17 affect any other water user, (b) is consistent with all applicable
18 statutes and rules and regulations, and (c) is in the public
19 interest. The determination made by a natural resources district
20 under subsection (2) of this section or the director under
21 subsection (3) of this section shall include consideration of the
22 factors set forth in subdivisions (1) through (7) of section
23 46-613.01. For purposes of this section, domestic has the same
24 meaning as in section 46-613.

25 (2) Any affected party may object to the transfer of
26 ground water by filing written objections, specifically stating the
27 grounds for such objection, in the office of the natural resources
1 district containing the land from which the ground water is

2 withdrawn. Upon the filing of such objections or on its own
 3 initiative, the natural resources district shall conduct a
 4 preliminary investigation to determine if the withdrawal, transfer,
 5 and use of ground water is consistent with the requirements of
 6 subsection (1) of this section. Following the preliminary
 7 investigation, if the district has reason to believe that the
 8 withdrawal, transfer, or use may not comply with any rule or
 9 regulation of the district, it may utilize its authority under the
 10 Nebraska Ground Water Management and Protection Act to prohibit
 11 such withdrawal, transfer, or use. If the district has reason to
 12 believe that the withdrawal, transfer, and use is consistent with
 13 all rules and regulations of the district but may not comply with
 14 one or more other requirements of subsection (1) of this section,
 15 the district shall request that the Department of Natural Resources
 16 hold a hearing on such transfer.

17 (3) At the hearing, all interested persons may appear and
 18 present testimony. Agencies or political subdivisions of this
 19 state and the appropriate natural resources districts shall offer
 20 as evidence any information in their possession which they deem
 21 relevant to the purposes of the hearing. After the hearing, if the
 22 Director of Natural Resources finds that the withdrawal, transfer,
 23 or use of ground water is contrary to the requirements of
 24 subsection (1) of this section, he or she shall issue a cease and
 25 desist order prohibiting the withdrawal and transfer.

26 (4) The director may adopt and promulgate rules and
 27 regulations to carry out this section."

- 1 2. Amend the repealer, correct internal references, and
- 2 renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 357A. 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 357, Ninety-eighth Legislature, First Session, 2003.

ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LB 320 as its priority bill.

NOTICE OF COMMITTEE HEARING

Revenue
 Room 1524

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 597. No objections. So ordered.

VISITORS

Visitors to the Chamber were 25 students, sponsors, and teacher from R-7 School, Holdrege; Carmen Helvey from Lexington; and Bob Tichota from Blair.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 11, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 11, 2003

PRAYER

The prayer was offered by Pastor Everett Reynolds, Lefler United Methodist Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Byars and Mossey who were excused; and Senators Brown, Combs, Cunningham, Landis, McDonald, Dw. Pedersen, D. Pederson, Raikes, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 767, line 38, strike "**SPEAKER**" and insert "**PRESIDENT**".

Page 767, line 40, strike "Speaker" and insert "President".

The Journal for the fortieth day was approved as corrected.

ANNOUNCEMENTS

Senator Wehrbein designates LB 680 as his priority bill.

Senator Thompson designates LB 43 as her priority bill.

The General Affairs Committee designates LB 367 and LB 536 as its priority bills.

Senator Brashear designates LB 759 as his priority bill.

ATTORNEY GENERAL'S OPINION

Opinion # 03004

DATE: March 10, 2003

SUBJECT: Compatibility of Legislation to Vest Rights in Domestic Partners and Neb. Const. Art. I, Section 29

REQUESTED BY: Senator Nancy Thompson, Legislative District 14

WRITTEN BY: Jon Bruning, Attorney General
Mark D. Starr, Assistant Attorney General

QUESTION: If the Legislature Were to Grant Rights to A Domestic Partner to Donate Organs of a Decedent and Control the Disposition of a Decedent's Remains, Would Such Law Be Constitutional?

CONCLUSION: Not As Drafted.

In response to concerns that a union of partners of the same sex may be considered lawful marriage in certain states and that the Full Faith and Credit provision of the U.S. Constitution may make it incumbent upon Nebraska to recognize it as a lawful marriage if the partners were to move to this state, the voters adopted Initiative Measure No. 416, amending the Nebraska Constitution to make it clear that only marriage between a man and a woman is to be valid or recognized in this state. Neb. Const. Art. 1, § 29 (2000). According to the second sentence of the amendment, no legal recognition is to be accorded to the union of two persons of the same sex, regardless of whether one uses the word "marriage" or attaches some other label to the relationship, such as "civil union" or "domestic partnership." The Nebraska Supreme Court has not addressed this recent addition to Article 1, so our discussion is without the aid of the court's thoughts on the meaning and reach of this constitutional provision.

You have indicated that a constituent has asked you to introduce legislation which would vest in a "domestic partner" the same rights as a surviving spouse with regard to the disposition of the deceased person's remains and the making of anatomical gifts of all or part of the decedent's body. For purposes of such legislation, a domestic partner would be defined as "a person who was in a committed relationship with the deceased person." It was not required that the partners be of the same sex, but partners of the same sex were not disqualified, either.

Examples of factors which could be relied upon as indicia of such a relationship were listed. Those factors included the duration of the relationship, joint ownership of property, joint lease or rental agreements, joint obligations on a loan, joint bank account or credit card, household bills with both names, designation of each other as beneficiaries on life insurance policies, retirement benefits, or wills, designation of each other as personal representative or power of attorney for health care, and receipt of domestic partner benefits from an employer.

You have asked about the constitutionality of the suggested legislation in light of Neb. Const. Art., 1 § 29.

The draft legislation did more than indicate that a domestic partner was one who could be consulted as one who likely would have information as to the deceased partner's wishes with regard to disposition of his or her remains. It would amend Neb. Rev. Stat. § 71-1339 (Cum. Supp. 2002), to give the domestic partner the same rights as a surviving spouse to control and direct the disposition of the decedent's remains; a right that is given priority to the rights of the decedent's children, parents, or siblings. Traditionally, this was a right reserved to the surviving spouse and, if none, to the next of kin. *Thompson v. Pierce*, 95 Neb. 692, 146 N.W. 948 (1914). Also, the draft legislation would revise Neb. Rev. Stat. § 71-4802 (Cum. Supp. 2002), a section within the Uniform Anatomical Gift Act, to permit a domestic partner to donate all or part of the decedent's body unless there was actual notice that the decedent had indicated this would be against his or her will. The domestic partner's wishes would take precedence over the protests of all members of the decedent's family, except for that of a surviving spouse.

As may be seen, such legislation would create new rights which spring from recognition of a domestic partnership; a partnership which could comprise same sex couples. And the rights being created are placed on the same plane as rights which arise as a consequence of the marital relationship. This would be giving legal effect to a same sex relationship, thereby validating or recognizing it, which runs counter to Art. 1, §29.

Sincerely,
JON BRUNING
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
26-336-21

STANDING COMMITTEE REPORT **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 784. Placed on General File as amended.
Standing Committee amendment to LB 784:
AM0733

- 1 1. On page 2, strike lines 23 through 28 and insert the
- 2 following new subdivision:
- 3 "(2) Governing body means the governing body of any
- 4 county agricultural society, elected county fair board, joint
- 5 airport authority formed under the Joint Airport Authorities Act,
- 6 city or county airport authority, cemetery district, city, village,

7 municipal county, community college, community redevelopment
 8 authority, county, drainage or levee district, educational service
 9 unit, rural or suburban fire protection district, historical
 10 society, hospital district, irrigation district, natural resources
 11 district, nonprofit county historical association or society for
 12 which a tax is levied under subsection (1) of section 23-355.01,
 13 public building commission, railroad transportation safety
 14 district, reclamation district, road improvement district, rural
 15 water district, school district, sanitary and improvement district,
 16 township, offstreet parking district, transit authority,
 17 metropolitan utilities district, and political subdivision with the
 18 authority to have a property tax request or that receives state
 19 aid;".
 20 2. On page 3, strike lines 1 and 2 and 15 through 18;
 21 after line 14 insert the following new subdivision:
 22 "(4) Public agency means any entity listed in subdivision
 23 (2) of this section."; and in line 27 strike "fifteen" and insert
 24 "twenty-five".

(Signed) DiAnna R. Schimek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 44. Introduced by Jones, 43.

WHEREAS, the Broken Bow High School girls' basketball team won the Class C-1 Girls' State High School Basketball Championship with a thirty-nine to thirty-six victory over Norfolk Catholic; and

WHEREAS, the team won twenty of twenty-five games played this season; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Broken Bow High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Darin Nichols and the Broken Bow High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 72A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 41 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 41.

GENERAL FILE

LEGISLATIVE BILL 688. Senator Beutler renewed his pending amendment, AM0743, found on page 775.

Senator Foley offered the following amendment to the Beutler pending amendment:

FA1193

Amend AM743

In line 5 strike "an" and insert "a preferable"

SENATOR CUDABACK PRESIDING

The Foley amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Beutler amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senators Jensen and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment:

FA1192

Amend the Committee Amendment AM0074

In line 5 after the period, add: "In addition, the university may in its discretion grant a stipend to persons who compete in sports other than football which participate in Big Twelve Conference competition."

The Chambers amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senators Burling and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Brashear offered the following amendment:

AM0759

(Amendments to Standing Committee amendments, AM0074)

- 1 1. On page 1, line 4, strike "shall" and insert "may".

The Brashear amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

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

RESOLUTION

LEGISLATIVE RESOLUTION 45. Introduced by Connealy, 16.

WHEREAS, the West Point Central Catholic High School girls' basketball team won the Class C-2 Girls' State High School Basketball Championship with a sixty-two to forty-three victory over Sutton; and

WHEREAS, the team extended its winning streak to fifty-two games; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the West Point Central Catholic High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Jerry Stracke and the West Point Central Catholic High School.

Laid over.

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 726:

AM0748

1. On page 3, line 15, strike "to", show as stricken,
- 2 and insert "or"; and strike beginning with "Two" in line 16 through
- 3 line 17, show as stricken, and insert "If the committee has five
- 4 members, at least one but no more than two members of the committee
- 5 shall be in the hotel industry. If the committee has seven
- 6 members, at least two but no more than three members of the
- 7 committee shall be in the hotel industry.".

ANNOUNCEMENTS

The Revenue Committee designates LB 283 as its priority bill.

Senator Landis designates LB 285 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 156 and LB 125 as its priority bills.

The Transportation and Telecommunications Committee designates LB 452 as its priority bill.

Senator Quandahl designates LB 761 as his priority bill.

Senator Mines designates LB 760 as his priority bill.

ATTORNEY GENERAL'S OPINIONOpinion # 03005

DATE: March 10, 2003

SUBJECT: LR 16 CA; Application Of Art. II, § 1 Of The
Nebraska Constitution To Employees Of A Political
Subdivision.

REQUESTED BY: Senator Vickie D. McDonald
Nebraska State Legislature
Senator DiAnna R. Schimek
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

Legislative Resolution 16 CA would add the language underlined below to the first paragraph of art. IV, § 1 of the Nebraska Constitution:

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. An employee of a political subdivision of the state who is not holding elective office shall not be considered an executive officer or a member of the executive branch for purposes of this section.

In your opinion request letter, you state that:

The intent of LR 16 CA is to clarify that the Nebraska Supreme Court's decision in *State of Neb. Ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991), does not apply to employees of political subdivisions. LR 16 CA is not intended to reverse, alter or amend the holding of *Conway* as it applies to employees of state colleges.

In addition, the Introducer's Statement of Intent for LR 16 CA states as follows:

LR 16 CA is intended to clarify that employees of political subdivisions of the State are not and will not be considered as executive officers of the State.

* * *

LR 16 CA is intended to clarify that employees of the political subdivisions of the State who are not holding elective office are not to be deemed to be members of the Executive Branch. Therefore, they are eligible to serve in the Legislative Branch as duly elected or appointed members of the Unicameral.

Introducer's Statement of Intent on LR 16 CA, 98th Neb. Leg., 1st Sess. 1 (January 29, 2003). You have now posed a number of questions to us involving LR 16 CA. We will first briefly discuss the *Conway* decision, and then provide responses to each of your various questions.

The Conway Decision

In *State of Nebraska ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991), the Nebraska Supreme Court held that state Senator Gerald Conway could not both serve in the Legislature and also act as an assistant professor at Wayne State College. The court indicated that such dual service violated art. II, § 1 of the Nebraska Constitution, since Senator Conway was an officer in the Legislative Branch of government, and also an employee within the Executive Branch of government through his employment at Wayne State.¹ In the course of the *Conway* opinion, the court set out the following rule which governs the application of art. II, § 1 to the activities of government officials in Nebraska:

... article II prohibits one who exercises the power of one branch - that is, an officer in the broader sense of the word - from being a member - that is, either an officer or employee - of another branch.

Id. at 782, 472 N.W.2d at 412

1. "Does the Nebraska Constitution prevent employees of political subdivisions from serving in the Nebraska Legislature?"

As you noted in your opinion request, we have previously declined to

offer an opinion on the application of art. II, § 1 to officers and employees of local governmental subdivisions, based upon the fact that the Conway case involved state officers, and also based upon the lack of Nebraska cases dealing with that issue. Op. Att'y Gen. No. 95073 (September 19, 1995); Op. Att'y Gen. No. 92022 (February 18, 1992). However, we have now conducted further research, and we have found some Nebraska cases which, although not directly on point, have some relevance to art. II, § 1 and its potential effect on political subdivisions.

In *Howard v. City of Lincoln*, 243 Neb. 5, 497 N.W.2d 53 (1993), the court considered the constitutionality of an ordinance promulgated by the City of Lincoln which required landowners in the city to cut and clear "all weeds and worthless vegetation." The plaintiff claimed that the ordinance in question violated art. II, § 1. The court discussed his claim as follows:

Howard next argues that the ordinance violates the Nebraska Constitution because it is the result of an improper delegation of authority from the Legislature and because it allows the City to improperly delegate certain powers to its departments. Again we disagree.

We first note that Neb. Const. art. II, § 1, which distributes state governmental powers to the legislative, judicial, and executive branches, does not apply to the governing bodies of municipalities. We thus concern ourselves only with Howard's argument that the Legislature inappropriately delegated nonlegislative powers to the City.

Id. at 10, 497 N.W.2d at 57. (Citations omitted) (Emphasis added). The court in *Howard* cited to *State ex rel. Baughn v. Ure*, 91 Neb. 31, 135 N.W. 224 (1912) for the proposition that art. II, §1 does not apply to the governing bodies of municipalities.

The *Ure* case, in turn, involved a statute which allowed cities of a certain size to adopt a "Commission Plan of City Government" upon an affirmative vote of the citizens in the community. The court stated:

Relator's next contention is that the act in question violated section 1, art. 2 of the Constitution, providing for the distribution of powers for the government of the state into legislative, executive and judicial. He argues that since the provisions of the law do not become effective with reference to cities of over 5,000 inhabitants, except on an affirmative vote of the electors thereof, the act is an attempt on the part of the Legislature to delegate legislative powers to a municipality; The provision of the Constitution referred to by its express terms is concerned only with the government of the state, and does not limit the Legislature as to its power to prescribe the manner in which municipalities or local subdivisions of the state may administer their local affairs.

Id. at 37, 38, 135 N.W. at 226, 227. (Emphasis added).

Finally, in *State ex rel. Thompson v. Neble*, 82 Neb. 267, 117 N.W. 723 (1908), the court considered the constitutionality of a city charter provision which required district judges to appoint park commissioners. In that case, the court stated:

It is contended that the separation of powers of government into the three departments, as provided for in the Constitution, relates to state government alone, and is not applicable to municipal or other local bodies whose governments are created, and whose offices are established by the Legislature, and a number of cases are cited in support of the contention. This is undoubtedly true in theory and in many cases in practice, and such is the real purpose of the state constitution. But there is no limitation, aside from that imposed by federal law or Constitution, upon the power of the people to include in that instrument provisions which may control the lesser divisions and subdivisions of the state, as in our present Constitution. Any of such provisions may be incorporated into the fundamental law, and, when this is done, they are as binding upon the courts and the Legislature as any other portion of the Constitution. The provision above quoted [art. II, § 1] extends to all courts from that of justice of the peace and police judge to the Supreme Court, and applies to all judicial officers, as well as courts.

Id. at 280, 281, 117 N.W. at 728. (Emphasis added). In *Neble*, the court held that the provision in the city charter which required district judges to appoint city park commissioners was void in violation of art. II, § 1.

The language noted in the three cases discussed above could be used as a basis to argue that art. II, § 1 does not apply to political subdivisions, and that employees of those subdivisions could serve in the Legislature without any problems under the separation of powers provision. However, portions of the Conway decision and additional Nebraska cases could be used as the basis for a contrary argument.

In Conway, the court drew a distinction between the institutional aspect of art. II, § 1 and its personnel or individual aspect. The court stated:

. . . The language of article II prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives. This is its institutional aspect, which serves as the beam from which our system of checks and balances is suspended.

Article II also prohibits certain persons from serving two branches of government concurrently. This is its personnel, or individual, aspect. This aspect serves as a check against concentration of power, and guards against conflicts of interest which arise when one serves two

masters. It has been said that, "[t]he maintenance of a strict prohibition upon dual membership of the legislative and executive branches has no doubt been the most significant aspect of the doctrine [of separation of powers] in forming the special character of American government" The aspect with which we are presently concerned [in Conway] is this second, personnel aspect of the distribution of powers clause.

Conway, 238 Neb. at 773, 774, 472 N.W.2d at 408. (Citations omitted). Interestingly, the court indicated in Conway that, "[t]his is the first time we have been asked to determine the scope of the dual services prohibition." Id. at 774, 472 N.W.2d at 408.

As a result, based upon Conway, the propriety of a particular situation under art. II, § 1 must be tested under both its institutional and its personnel or individual aspects. In connection with the personnel or individual aspects of government service, other Nebraska cases seem to indicate that local governmental officials can be placed within a branch of government.

In *Searle v. Yensen*, 118 Neb. 835, 226 N.W. 464 (1929), the Nebraska Supreme Court stated:

The power of the Legislature to delegate a part of its legislative functions to municipal corporations or other governmental subdivisions, boards, commissions, and tribunals, to be exercised within their respective jurisdictions, cannot be denied; but the recipient of such powers must be members of the same governmental department as that of the grantor. Otherwise a confusion and duplication of powers would result, against which the section of the Constitution quoted above [art. II, § 1] is directed. The Legislature may not impose upon the judiciary or the executive the performance of acts or duties not properly belonging to those departments respectively.

Id. at 842, 226 N.W. 466. (Emphasis added). Accord *Nebraska Mid-State Reclamation District v. Hall County*, 152 Neb. 410, 41 N.W.2d 397 (1950). Similarly, the court has indicated that members of boards of education in cities and towns are ministerial and executive officers. *State v. Buttner*, 180 Neb. 529, 143 N.W.2d 907 (1966); *State v. Loechner*, 65 Neb. 814, 91 N.W. 874 (1902). And, having a county attorney act as a coroner does not constitute the imposition of judicial duties upon an executive officer under art. II, § 1, because the coroner's duties are not judicial. *State ex rel. Crosby v. Moorhead*, 100 Neb. 298, 159 N.W. 412 (1916). Finally, along with stating that art. II, § 1 does not apply to local governmental bodies, the *Nebble* case, cited above, also indicates that art. II, § 1 applies to all judges, including local justices of the peace and police judges.

It seems to us, based upon the lengthy discussion above, that it would be possible to argue that while the institutional aspect of art. II, §1 does not apply to local political subdivisions, the personnel or individual aspect of that constitutional provision does. Indeed, such a notion finds support in

certain language in the Conway case which discusses exceptions from the application of art. II, § 1:

An exception to institutional application of the separation of powers doctrine does not imply an exception to the dual personnel ban. While it may be necessary for certain agencies to share attributes with the executive, legislative, and judicial branches in order for those agencies to carry out the function assigned to them in the Constitution, those needs do not require the agency to employ personnel who exercise power in another governmental branch.

Conway, 238 Neb. at 785, 472 N.W.2d at 414. Consequently, we believe that there is at least an argument that a member of the Legislature, who is clearly an officer of the Legislative Branch of government, may not concurrently act as an officer or employee in another branch of government in a political subdivision.²

On the other hand, the Nebraska Supreme Court has not squarely faced this issue, in our view, and it is possible that the court could simply rely on the formulation of the rule set out in the first three cases cited above, and hold that art. II, § 1 does not apply to local political subdivisions. Given that uncertainty, we must again conclude that the answer to your first question is unclear at this time. Whether art. II, § 1 of the Nebraska Constitution as it is presently drafted prevents employees of political subdivisions from serving in the Nebraska Legislature is a question which will have to await further decisions by our courts.

While we understand that your first question was posed to us in connection with art. II, § 1 of the Nebraska Constitution, we would note, given the breadth of that question, that teachers, who are employees of school districts which are political subdivisions, also have a potential problem with service in the Legislature under art. III, § 9 of the Nebraska Constitution for the reasons set out in our Op. Att'y Gen. No. 95073 (September 19, 1995). That is, there is case law in Nebraska which indicates that teachers are public officers under certain circumstances. If teachers are public officers, then service as a state legislator and as a teacher would be proscribed under art. III, § 9 which states that "[n]o person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature."

2. "Are political subdivisions considered to be a part of the Executive Branch?"

We assume that this question is posed to us in the context of art. II, § 1 of the Nebraska Constitution. With that in mind, we cannot offer any definitive answer to this question for the same reasons discussed in our response to your initial question. At this point, it cannot be determined with certainty to what extent, if at all, all aspects of art. II, § 1 of the Nebraska Constitution apply to local political subdivisions and whether such subdivisions are part

of the Executive Branch under existing law.

3. "Is the University of Nebraska a political subdivision of the State?"

Two Nebraska cases have a bearing on this question. First of all, in *Catania v. The University of Nebraska*, 204 Neb. 304, 282 N.W.2d 27 (1979), the Nebraska Supreme Court considered the question of whether the University was a political subdivision which must be sued under the Political Subdivisions Tort Claims Act, or a state agency which must be sued under the State Tort Claims Act. Ultimately, the court concluded that "the University of Nebraska is an agency of the state" which must be sued under the state Act. Id. at 311, 282 N.W.2d at 32. Similarly, in the Conway case, the court stated:

While the Board of Regents is an "independent body charged with the power and responsibility to manage and operate the University," it is, nevertheless, an administrative or executive agency of the state. As the regents are part of the executive branch, so, too, are the [state college] trustees.

Conway, 238 Neb. at 786, 472 N.W.2d at 415. (Citations omitted). Consequently, we do not believe that the University of Nebraska is a political subdivision of the State.

4. "Is a public power district a political subdivision of the State?"

Neb. Rev. Stat. § 70-602 (1996) provides, in pertinent part:

A [public power district] may be created as hereinafter provided and, when so created, shall be a public corporation and political subdivision of this state and may sue or be sued in its corporate name.

(Emphasis added). Apart from § 70-602, a number of Nebraska cases have indicated that various public power districts are political subdivisions. *Johnson Lakes Development, Inc. v. Central Nebraska Public Power & Irrigation District*, 254 Neb. 418, 576 N.W.2d 806 (1998); *Southern Nebraska Rural Public Power District v. Nebraska Elec. Generation and Transmission Co-op, Inc.*, 249 Neb. 913, 546 N.W.2d 315 (1996); *Omaha Public Power District v. Nebraska Dept. of Revenue*, 248 Neb. 518, 537 N.W.2d 312 (1995). Therefore, we believe that the answer to your fourth question is "Yes."

5. "Is the phrase 'political subdivision' as used in LR 16 CA, page 1, lines 14-15, adequate for purposes of this measure?"

This office does not normally make determinations as to what is adequate for particular legislative purposes, since that is a task more appropriately left to the Legislature and to the individual senators with an interest in a particular bill or resolution. However, we will note that the provisions of the

Nebraska Constitution must be taken in their ordinary and common acceptance in such a manner as to express the intent of the Constitution's framers. *American Federation of State, County and Municipal Employees, AFL-CIO v. Dept. of Public Institutions State Hospitals*, 195 Neb. 253, 237 N.W.2d 841 (1976). In that regard, the Nebraska Supreme Court has indicated that a political subdivision is "a body which contemplates geographical area and boundaries, public elections, taxing power, and a general purpose of benefit." *Parriott v. Drainage Dist. # 6 of Peru*, 226 Neb. 123, 125, 410 N.W.2d 97, 99 (1987). We assume the Parriott definition or a similar one would be used in connection with LR 16 CA. If that is not appropriate for your purposes, you may wish to add some definitional language in the legislative resolution.

6. "Is an employee of a political subdivision who does not hold elective office in the political subdivision eligible to serve in the Legislature and retain his or her employment with the political subdivision under the current Nebraska Constitution? If LR 16 CA were passed by the voters?"

It seems to us that your first question here is essentially the same as the first question in your opinion request discussed above. In both cases, you wish to know if an employee in a political subdivision can concurrently serve in the Nebraska Legislature under our present Constitution. As a result, our answer to your first question here is the same as our previous answer to your question number 1. However, by way of additional specific response to this question, we would add that nothing clearly precludes concurrent service in the Legislature and employment by a political subdivision at this time, given the uncertainties which we have described regarding the application of art. II, § 1 in the context of governmental subdivisions.

Your second question in this area goes to the effect of the language proposed by LR 16 CA. You wish to know if that proposed language would allow concurrent service in the Legislature and employment by a political subdivision, or in essence, if LR 16 CA would cure any potential problems with such concurrent service under art. II, § 1.

If LR 16 CA were passed by the voters, the following language would be added to art. IV, § 1 of the Nebraska Constitution, which discusses the executive officers of the state:

An employee of a political subdivision of the state who is not holding elective office shall not be considered an executive officer or a member of the executive branch for purposes of this section.

At first review, the proposed language in LR 16 CA would appear to allow employees of political subdivisions to serve in the Legislature. If that language were added to the constitution, then employees of political subdivisions would not be considered to be "members" of the Executive

Branch, and on that basis, could serve in the Legislature without running afoul of art. II, § 1.³

However, LR 16 CA also states that employees of political subdivisions would not be considered as members of the Executive Branch "for purposes of this section." That latter language could be viewed as limiting the operation of LR 16 CA to art. IV, § 1 of the Nebraska Constitution, which might bring into question the applicability of that legislative resolution to art. II, § 1. That is particularly true since, in *Conway*, the court indicated that there are only three branches of government, and application of LR 16 CA to art. II, § 1 could be seen, given the nature of the three branches, as taking employees of political subdivisions out of all three. As a result, we believe that there is some question as to whether LR 16 CA would allow an employee of a political subdivision who does not hold elective office in that subdivision to serve in the Legislature, and still retain his or her employment with the political subdivision under art. II, § 1.

7. "It's been suggested that LR 16 CA amends the wrong article of the Nebraska Constitution. Would our intent be better served if an amendment to Neb. Const. art. III, sec 8. or 9 with specific language on who may or may not serve in the Legislature were adopted?"

Again, we generally believe that the task of determining what best serves the intent of particular legislation is a task which should be left to the Legislature. However, we would note that adoption of LR 16 CA pertaining to the Executive Branch would not cure any potential problems with teachers serving in the Legislature under the provisions of art. III, § 9 of the Nebraska Constitution as discussed in our Op. Att'y Gen. No. 95073 (September 19, 1995). In addition, you may wish to consider amending art. II, § 1 directly to allow employees of political subdivisions to serve in the Legislature in light of our discussion regarding the second portion of your question number 6 above.

¹ Art. II, § 1 of the Nebraska Constitution Provides:

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.

² While the *Searle* case and the cases cited with it above deal with officers of political subdivisions, the *Conway* rule prohibits a person who is an officer in one branch of government from serving as either an officer or an employee of another branch of government.

³ In *Conway*, the court indicated that a "member" of a branch of government was an officer or an employee of that branch.

Sincerely yours,
JON BRUNING
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
05-151-21

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendment to LB 536:
AM0740

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 53-103, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 53-103. For purposes of the Nebraska Liquor Control Act,
- 5 unless the context otherwise requires:
- 6 (1) Alcohol means the product of distillation of any
- 7 fermented liquid, whether rectified or diluted, whatever the origin
- 8 thereof, and includes synthetic ethyl alcohol. Alcohol does not
- 9 include denatured alcohol or wood alcohol;
- 10 (2) Spirits means any beverage which contains alcohol
- 11 obtained by distillation, mixed with water or other substance in
- 12 solution, and includes brandy, rum, whiskey, gin, or other
- 13 spirituous liquors and such liquors when rectified, blended, or
- 14 otherwise mixed with alcohol or other substances;
- 15 (3) Wine means any alcoholic beverage obtained by the
- 16 fermentation of the natural contents of fruits or vegetables,
- 17 containing sugar, including such beverages when fortified by the
- 18 addition of alcohol or spirits;
- 19 (4) Beer means a beverage obtained by alcoholic
- 20 fermentation of an infusion or concoction of barley or other grain,
- 21 malt, and hops in water and includes, but is not limited to, beer,
- 22 ale, stout, lager beer, porter, and near beer;
- 23 (5) Alcoholic liquor includes alcohol, spirits, wine,
- 24 beer, and any liquid or solid, patented or not, containing alcohol,
- 1 spirits, wine, or beer and capable of being consumed as a beverage
- 2 by a human being. Alcoholic liquor also includes confections or
- 3 candy with alcohol content of more than one-half of one percent
- 4 alcohol. The act does not apply to (a) alcohol used in the
- 5 manufacture of denatured alcohol produced in accordance with acts
- 6 of Congress and regulations adopted and promulgated pursuant to
- 7 such acts, (b) flavoring extracts, syrups, medicinal, mechanical,
- 8 scientific, culinary, or toilet preparations, or food products
- 9 unfit for beverage purposes, but the act applies to alcoholic
- 10 liquor used in the manufacture, preparation, or compounding of such

11 products or confections or candy that contains more than one-half
12 of one percent alcohol, or (c) wine intended for use and used by
13 any church or religious organization for sacramental purposes;

14 (6) Near beer means beer containing less than one-half of
15 one percent of alcohol by volume;

16 (7) Original package means any bottle, flask, jug, can,
17 cask, barrel, keg, hogshead, or other receptacle or container used,
18 corked or capped, sealed, and labeled by the manufacturer of
19 alcoholic liquor to contain and to convey any alcoholic liquor;

20 (8) Manufacturer means every brewer, fermenter,
21 distiller, rectifier, winemaker, blender, processor, bottler, or
22 person who fills or refills an original package and others engaged
23 in brewing, fermenting, distilling, rectifying, or bottling
24 alcoholic liquor, including a wholly owned affiliate or duly
25 authorized agent for a manufacturer;

26 (9) Nonbeverage user means every manufacturer of any of
27 the products set forth and described in subsection (4) of section
1 53-160, when such product contains alcoholic liquor, and all
2 laboratories, hospitals, and sanatoria using alcoholic liquor for
3 nonbeverage purposes;

4 (10) Manufacture means to distill, rectify, ferment,
5 brew, make, mix, concoct, process, blend, bottle, or fill an
6 original package with any alcoholic liquor and includes blending
7 but does not include the mixing or other preparation of drinks for
8 serving by those persons authorized and permitted in the act to
9 serve drinks for consumption on the premises where sold;

10 (11) Wholesaler means a person importing or causing to be
11 imported into the state or purchasing or causing to be purchased
12 within the state alcoholic liquor for sale or resale to retailers
13 licensed under the act, whether the business of the wholesaler is
14 conducted under the terms of a franchise or any other form of an
15 agreement with a manufacturer or manufacturers, or who has caused
16 alcoholic liquor to be imported into the state or purchased in the
17 state from a manufacturer or manufacturers and was licensed to
18 conduct such a business by the commission on May 1, 1970, or has
19 been so licensed since that date. Wholesaler does not include any
20 retailer licensed to sell alcoholic liquor for consumption off the
21 premises who sells alcoholic liquor other than beer or wine to
22 another retailer pursuant to section 53-175, except that any such
23 retailer shall obtain the required federal wholesaler's basic
24 permit and federal wholesale liquor dealer's special tax stamp.
25 Wholesaler includes a distributor, distributorship, and jobber;

26 (12) Person means any natural person, trustee,
27 corporation, partnership, or limited liability company;

1 (13) Retailer means a person who sells or offers for sale
2 alcoholic liquor for use or consumption and not for resale in any
3 form except as provided in section 53-175;

4 (14) Sell at retail and sale at retail means sale for use
5 or consumption and not for resale in any form except as provided in

6 section 53-175;

7 (15) Commission means the Nebraska Liquor Control

8 Commission;

9 (16) Sale means any transfer, exchange, or barter in any
10 manner or by any means for a consideration and includes any sale
11 made by any person, whether principal, proprietor, agent, servant,
12 or employee;

13 (17) To sell means to solicit or receive an order for, to
14 keep or expose for sale, or to keep with intent to sell;

15 (18) Restaurant means any public place (a) which is kept,
16 used, maintained, advertised, and held out to the public as a place
17 where meals are served and where meals are actually and regularly
18 served, (b) which has no sleeping accommodations, and (c) which has
19 adequate and sanitary kitchen and dining room equipment and
20 capacity and a sufficient number and kind of employees to prepare,
21 cook, and serve suitable food for its guests;

22 (19) Club means a corporation (a) which is organized
23 under the laws of this state, not for pecuniary profit, solely for
24 the promotion of some common object other than the sale or
25 consumption of alcoholic liquor, (b) which is kept, used, and
26 maintained by its members through the payment of annual dues, (c)
27 which owns, hires, or leases a building or space in a building
1 suitable and adequate for the reasonable and comfortable use and
2 accommodation of its members and their guests, and (d) which has
3 suitable and adequate kitchen and dining room space and equipment
4 and a sufficient number of servants and employees for cooking,
5 preparing, and serving food and meals for its members and their
6 guests. The affairs and management of such club shall be conducted
7 by a board of directors, executive committee, or similar body
8 chosen by the members at their annual meeting, and no member,
9 officer, agent, or employee of the club shall be paid or shall
10 directly or indirectly receive, in the form of salary or other
11 compensation, any profits from the distribution or sale of
12 alcoholic liquor to the club or the members of the club or its
13 guests introduced by members other than any salary fixed and voted
14 at any annual meeting by the members or by the governing body of
15 the club out of the general revenue of the club;

16 (20) Hotel means any building or other structure (a)
17 which is kept, used, maintained, advertised, and held out to the
18 public to be a place where food is actually served and consumed and
19 sleeping accommodations are offered for adequate pay to travelers
20 and guests, whether transient, permanent, or residential, (b) in
21 which twenty-five or more rooms are used for the sleeping
22 accommodations of such guests, and (c) which has one or more public
23 dining rooms where meals are served to such guests, such sleeping
24 accommodations and dining rooms being conducted in the same
25 buildings in connection therewith and such building or buildings or
26 structure or structures being provided with adequate and sanitary
27 kitchen and dining room equipment and capacity;

- 1 (21) Nonprofit corporation means any corporation
2 organized under the laws of this state, not for profit, which has
3 been exempted from the payment of federal income taxes;
- 4 (22) Bottle club means an operation, whether formally
5 organized as a club having a regular membership list, dues,
6 officers, and meetings or not, keeping and maintaining premises
7 where persons who have made their own purchases of alcoholic liquor
8 congregate for the express purpose of consuming such alcoholic
9 liquor upon the payment of a fee or other consideration, including
10 among other services the sale of food, ice, mixes, or other fluids
11 for alcoholic drinks and the maintenance of space for the storage
12 of alcoholic liquor belonging to such persons and facilities for
13 the dispensing of such liquor through a locker system, card system,
14 or pool system, which shall not be deemed or considered a sale of
15 alcoholic liquor. Such operation may be conducted by a club, an
16 individual, a partnership, a limited liability company, or a
17 corporation. An accurate and current membership list shall be
18 maintained upon the premises which contains the names and
19 residences of its members. This section does not prohibit the sale
20 of alcoholic liquor for consumption on the premises to any person
21 who is not a current member of such bottle club;
- 22 (23) Minor means any person, male or female, under
23 twenty-one years of age, regardless of marital status;
- 24 (24) Brand means alcoholic liquor identified as the
25 product of a specific manufacturer;
- 26 (25) Franchise or agreement, with reference to the
27 relationship between a manufacturer and wholesaler, includes one or
1 more of the following: (a) A commercial relationship of a definite
2 duration or continuing indefinite duration which is not required to
3 be in writing; (b) a relationship by which the wholesaler is
4 granted the right to offer and sell the manufacturer's brands by
5 the manufacturer; (c) a relationship by which the franchise, as an
6 independent business, constitutes a component of the manufacturer's
7 distribution system; (d) a relationship by which the operation of
8 the wholesaler's business is substantially associated with the
9 manufacturer's brand, advertising, or other commercial symbol
10 designating the manufacturer; and (e) a relationship by which the
11 operation of the wholesaler's business is substantially reliant on
12 the manufacturer for the continued supply of beer;
- 13 (26) Territory or sales territory means the wholesaler's
14 area of sales responsibility for the brand or brands of the
15 manufacturer;
- 16 (27) Suspend means to cause a temporary interruption of
17 all rights and privileges of a license;
- 18 (28) Cancel means to discontinue all rights and
19 privileges of a license;
- 20 (29) Revoke means to permanently void and recall all
21 rights and privileges of a license;
- 22 (30) Generic label means a label which is not protected

23 by a registered trademark, either in whole or in part, or to which
24 no person has acquired a right pursuant to state or federal
25 statutory or common law;

26 (31) Private label means a label which the purchasing
27 wholesaler, retailer, or bottle club licensee has protected, in
1 whole or in part, by a trademark registration or which the
2 purchasing wholesaler, retailer, or bottle club licensee has
3 otherwise protected pursuant to state or federal statutory or
4 common law;

5 (32) Farm winery means any enterprise which produces and
6 sells wines produced from grapes, other fruit, or other suitable
7 agricultural products of which at least seventy-five percent of the
8 finished product is grown in this state;

9 (33) Campus, as it pertains to the southern boundary of
10 the main campus of the University of Nebraska-Lincoln, means the
11 south right-of-way line of R Street and abandoned R Street from
12 10th to 17th streets;

13 (34) Brewpub means any restaurant or hotel which produces
14 on its premises a maximum of ten thousand barrels of beer per year;

15 (35) Manager means a person appointed by a corporation to
16 oversee the daily operation of the business licensed in Nebraska.

17 A manager shall meet all the requirements of the act as though he
18 or she were the applicant, except for residency and citizenship;

19 (36) Shipping license means a license granted pursuant to
20 section 53-123.15;

21 (37) Sampling means consumption on the premises of a
22 retail licensee of not more than five samples of one fluid ounce or
23 less of alcoholic liquor by the same person in a twenty-four-hour
24 period;

25 (38) Microbrewery means any small brewery producing a
26 maximum of ten thousand barrels of beer per year;

27 (39) Craft brewery means a brewpub or a microbrewery;

1 (40) Local governing body means (a) the city council or
2 village board of trustees of a city or village within which the
3 licensed premises are located, (b) in the case of a Class D-1
4 license, the city council or village board of trustees of the city
5 or incorporated village outside whose corporate limits but within
6 whose extraterritorial zoning jurisdiction the licensed premises is
7 located, or (c) if the licensed premises are not licensed pursuant
8 to a Class D-1 license and are not within the corporate limits of a
9 city or village, the county board of the county within which the
10 licensed premises are located; and

11 (41) Consume means knowingly and intentionally drinking
12 or otherwise ingesting alcoholic liquor.

13 Sec. 4. Section 53-304, Revised Statutes Supplement,
14 2002, is amended to read:

15 53-304. Each Nebraska winery shall pay to the Nebraska
16 Liquor Control Commission twenty dollars for every ~~ton of grapes~~
17 crushed one hundred sixty gallons of juice produced or received by

18 its facility. Gifts, grants, or bequests may be received for the
19 support of the Nebraska Grape and Winery Board. Funds paid
20 pursuant to the charge imposed by this section and funds received
21 from gifts, grants, or bequests shall be remitted to the State
22 Treasurer for credit to the Winery and Grape Producers Promotional
23 Fund which is hereby created. For administrative purposes, the
24 fund shall be located in the Department of Agriculture. All
25 revenue credited to the fund shall be used by the department, at
26 the direction of and in cooperation with the board, to develop and
27 maintain programs for the research and advancement of the growing,
1 selling, marketing, and promotion of grapes, fruits, berries,
2 honey, and other agricultural products and their byproducts grown
3 and produced in Nebraska for use in the wine industry. Such
4 expenditures may include, but are not limited to, all necessary
5 funding for the employment of experts in the fields of viticulture
6 and enology, as deemed necessary by the board, and programs aimed
7 at improving the promotion of all varieties of wines, grapes,
8 fruits, berries, honey, and other agricultural products and their
9 byproducts grown and produced in Nebraska for use in the wine
10 industry.

11 Funds credited to the fund shall be used for no other
12 purposes than those stated in this section. Any funds not expended
13 during a fiscal year may be maintained in the fund for distribution
14 or expenditure during subsequent fiscal years. Any money in the
15 fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act
17 and the Nebraska State Funds Investment Act.".

18 2. On page 3, line 4, strike the new matter and
19 reinstate the stricken matter; and in line 9 after the comma insert
20 "and sections 53-103 and 53-304, Revised Statutes Supplement,
21 2002,".

22 3. Renumber the remaining sections accordingly.

(Signed) Ray Janssen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 616. Placed on General File.

LEGISLATIVE BILL 299. Indefinitely postponed.

LEGISLATIVE BILL 326. Indefinitely postponed.

LEGISLATIVE BILL 588. Indefinitely postponed.

(Signed) Mark Quandahl, Chairperson

Business and Labor

LEGISLATIVE BILL 16. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 258. Placed on General File as amended.
Standing Committee amendment to LB 258:
AM0532

- 1 1. On page 2, lines 22 through 25, reinstate the
- 2 stricken matter and strike the new matter and after the reinstated
- 3 "only" insert ", with the exception of a manager who is a sole
- 4 owner of a firm or a sole proprietor, who may manage one additional
- 5 office only"; in line 26 strike "the", show as stricken, and insert
- 6 "each"; and in line 28 strike "that", show as stricken, and insert
- 7 "each".

(Signed) Mark Quandahl, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Raikes' birthday.

SPEAKER BROMM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 619. Title read. Considered.

The Standing Committee amendment, AM0380, printed separately and referred to on page 572, was considered.

Senator Schrock renewed his pending amendment, AM0701, found on page 767, to the Standing Committee amendment.

Senators Aguilar, Brashear, Foley, McDonald, and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Schrock moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Schrock amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 165. Placed on Select File as amended.

E & R amendment to LB 165:

AM7080

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following 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 6 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, 2005, 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, 2005,
- 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. Section 18-2410, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 18-2410. Municipality shall mean (1) any city or village
8 incorporated under the laws of this state or any equivalent entity
9 incorporated under the laws of another state or (2) any public
10 entity organized under Chapter 70, article 6, and incorporated
11 under the laws of this state for the sole purpose of providing
12 wholesale electric energy to a single municipality which is
13 incorporated under the laws of this state.

14 Sec. 8. Section 18-2427, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 18-2427. Upon adoption of ordinances in accordance with
17 section 18-2420, a petition shall be addressed to the Nebraska
18 Power Review Board stating that it is the intent and purpose to
19 create an agency pursuant to sections 18-2426 to 18-2434, subject
20 to approval by the Nebraska Power Review Board. The petition shall
21 state the name of the proposed agency, the names of the proposed
22 participating municipalities, the percentage of each participating
23 municipality's total annual firm power requirements provided from a
24 source other than a district or corporation organized pursuant to
25 Chapter 70, article 6, 7, or 8, during each of the five calendar
26 years preceding May 1, 1981, the name and residence of each of the
27 directors so far as known, a certified copy of each of the
1 ordinances of the participating municipalities determining the need
2 for such an agency, a certified copy of the proceedings of each
3 municipality evidencing the director's right to office, a general
4 description of the operation in which the agency intends to engage,
5 and the location and method of operation of the proposed plants and
6 systems of the agency.

7 Sec. 9. Section 18-2430, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 18-2430. If any of the participating municipalities in
10 the agency has not received at least fifty percent of its total
11 annual firm power requirements for any one of the five years
12 preceding May 1, 1981, from a source other than a district or
13 corporation organized pursuant to Chapter 70, article 6, 7, or 8,
14 the Nebraska Power Review Board, upon receipt of such petition,

15 ~~shall make an investigation of the proposed agency and its proposed~~
16 ~~plants and systems.~~ If the Nebraska Power Review Board determines
17 that the statements in the petition filed pursuant to section
18 18-2427 are true and conform to public convenience and welfare and,
19 so long as the plants, systems, and works, the operation of the
20 same, the exercise of powers, and the assumption of duties and
21 responsibilities of, or on the part of, such agency, do not
22 nullify, conflict with, or materially affect those of a district or
23 corporation organized under the provisions of Chapter 70, article
24 6, 7, or 8 or the Electric Cooperative Corporation Act, the
25 Nebraska Power Review Board or its successor shall, within thirty
26 days after the receipt of such petition, execute a certificate in
27 duplicate setting forth a true copy of the petition and declaring
1 that the petition has been approved.

2 Sec. 10. Section 18-2433, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 18-2433. (1) A petition for the creation of an agency
5 which intends to engage in the operation of power projects or the
6 generation or supply of electrical energy may be amended as
7 provided in this section. Upon a majority vote of the directors,
8 an agency may amend its petition for creation or may amend its
9 charter to provide for a change in the general description of the
10 nature of the business in which the agency is engaged, upon
11 petition to the Nebraska Power Review Board and approval by the
12 Nebraska Power Review Board in accordance with the procedure
13 established in sections 18-2426 to 18-2434.

14 (2) ~~With respect to the formation, organization, or~~
15 ~~operation of power projects or the generation or supply of electric~~
16 ~~energy, the amendments shall be approved if each new proposed~~
17 ~~participating municipality has for any one year during the five~~
18 ~~calendar years preceding May 1, 1981, received at least fifty~~
19 ~~percent of its total annual firm power requirements from a source~~
20 ~~other than a district or a corporation organized pursuant to~~
21 ~~Chapter 70, article 6, 7, or 8; and the statements in the petition~~
22 ~~are deemed by the Nebraska Power Review Board to be true.~~

23 (3) ~~If any new proposed municipality has not received at~~
24 ~~least fifty percent of its total annual firm power requirements for~~
25 ~~any one of the five calendar years preceding May 1, 1981, from a~~
26 ~~source other than a district or corporation organized pursuant to~~
27 ~~Chapter 70, article 6, 7, or 8~~ After notice to interested parties
1 and a public hearing which may be held at the option of the
2 Nebraska Power Review Board, such amendments shall be approved if
3 the Nebraska Power Review Board, ~~after notice to interested parties~~
4 ~~and a public hearing~~, determines that the statements in the
5 petition are true and conform to public convenience and welfare,
6 and so long as the plants, systems, and works, the operation of the
7 same, the exercise of powers, and the assumptions of duties and
8 responsibilities of, or on the part of, such agency, do not
9 nullify, conflict with, or materially affect those of any other

10 district or a corporation organized under the provisions of Chapter
11 70, article 6; ~~7~~, or 8 or the Electric Cooperative Corporation Act,
12 or those of any part of such district or corporation.

13 Sec. 11. Section 18-2446, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 18-2446. (1) Money of the agency shall be paid out or
16 expended only upon the authorization or approval of the board of
17 directors by specific agreement, by a written contract, or by a
18 resolution. All money of the agency shall be paid out or expended
19 only by check, draft, warrant, or other instrument in writing,
20 signed by the treasurer, assistant treasurer, or such other
21 officer, employee, or agent of the agency as shall be authorized by
22 the treasurer to sign in his or her behalf. Such authorization
23 shall be in writing and filed with the secretary of the agency.

24 (2) Money of the agency paid out or expended shall be
25 examined by the board of directors at a the next regular meeting
26 ~~within two months~~ following such expenditure.

27 (3) In the event that there is no treasurer's bond that
1 expressly insures the agency against loss resulting from the
2 fraudulent, illegal, negligent, or otherwise wrongful or
3 unauthorized acts or conduct by or on the part of any and every
4 person authorized to sign checks, drafts, warrants, or other
5 instruments in writing, there shall be procured and filed with the
6 secretary of the agency, together with the written authorization
7 filed with the secretary of the board, a surety bond, effective for
8 protection against such loss, in such form and penal amount and
9 with such corporate surety as shall be approved in writing by the
10 signed endorsement thereon of any two officers of the agency other
11 than the treasurer. The secretary shall report to the board at
12 each meeting any such bonds filed, or any change in the status of
13 any such bonds, since the last previous meeting of the board.

14 Sec. 12. Section 70-627.02, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 70-627.02. In addition to all other rights and powers
17 which may be possessed by a public power district or public power
18 and irrigation district under the petition for its creation and all
19 amendments thereto and other statutes, any such district which has
20 radioactive material available to it in association with facilities
21 constructed in connection with the production of electrical energy
22 shall have the power to: (1) Use, use, sell, lease, transport,
23 dispose of, furnish, or make available, under contract or
24 otherwise, to any person, firm, corporation, state, county, city,
25 village, governmental subdivision or agency, the government of the
26 United States or any officer, department, bureau or agency thereof,
27 ~~or~~ any corporation organized by federal law, or any body politic or
1 corporate, any such radioactive material or the energy therefrom;
2 (2) to own, operate, construct, reconstruct, purchase, remove,
3 lease, or otherwise acquire, improve, extend, manage, use, or
4 operate any facilities or any such facilities or property, real or

5 personal; or (3) ; ~~or to~~ engage in or transact business; or enter
 6 into any kind of contract or arrangement with anyone; ~~for any of~~
 7 ~~the purposes above mentioned~~; or for or incident to the exercise of
 8 any one or more of the powers of the district foregoing powers; and
 9 for any and every service involving, employing, or in any manner
 10 pertaining to the use of radioactive material or the energy
 11 therefrom; or for the financing or payment of the cost and expense
 12 incident to the acquisition, construction, reconstruction,
 13 improvement, or operation of ~~any~~ such facilities or property, real
 14 or personal, or incident to any obligation or indebtedness entered
 15 or incurred by any such district. ; ~~for any of the purposes above~~
 16 ~~mentioned~~

17 A public power district or public power and irrigation
 18 district may indemnify a public or private entity for such entity's
 19 own negligence, notwithstanding section 25-21,187, if the district
 20 enters into a contract with the public or private entity for the
 21 management or operation of a nuclear power plant.

22 Sec. 13. Sections 7 to 12, 14, and 15 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. 14. Original sections 18-2410, 18-2427, 18-2430,
 27 18-2433, 18-2446, and 70-627.02, Reissue Revised Statutes of
 1 Nebraska, are repealed.

2 Sec. 15. The following section is outright repealed:
 3 Section 18-2429, Reissue Revised Statutes of Nebraska.

4 Sec. 16. Since an emergency exists, this act takes
 5 effect when passed and approved according to law.".

6 2. On page 1, strike beginning with "power" in line 1
 7 through line 4 and insert "government; to amend sections 18-2410,
 8 18-2427, 18-2430, 18-2433, 18-2446, and 70-627.02, Reissue Revised
 9 Statutes of Nebraska; to state intent and provide for shipping fees
 10 for radioactive and transuranic waste as prescribed; to create a
 11 fund; to provide powers and duties; to change and eliminate
 12 provisions relating to power projects under the Municipal
 13 Cooperative Financing Act; to provide for indemnification by power
 14 districts for certain acts of negligence as prescribed; to
 15 harmonize provisions; to repeal the original sections; to outright
 16 repeal section 18-2429, Reissue Revised Statutes of Nebraska; and
 17 to declare an emergency.".

LEGISLATIVE BILL 72A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 142, 250, 273, 274, and 394.

ER9030

Enrollment and Review Change to LB 273

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Chambers amendment, AM0649, on page 6, line 7, "section" has been struck and "act" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "animals; to amend sections 28-1005, 28-1008, and 28-1013 to 28 -1016, Reissue Revised Statutes of Nebraska, and sections 28 -101 and 28-1009, Revised Statutes Supplement, 2002; to define terms; to require reporting of animal abandonment, neglect, or mistreatment as prescribed; to provide a penalty; to change penalties relating to pitting an animal against another and abandoning, neglecting, or mistreating an animal as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

ER9031

Enrollment and Review Change to LB 274

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7075, on page 1, line 3, "to require licensure of pet shops;" has been inserted after the semicolon; in line 4 "and other" has been inserted before "information"; and the matter beginning with "require" in line 5 through "shops" in line 6 has been struck and "provide requirements for commercial breeders and primary enclosures as prescribed" inserted.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 619:

AM0700

(Amendments to Standing Committee amendments, AM0380)

1. Insert the following new sections:
2. "Section 1. Section 46-122, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 46-122. (1) It is hereby expressly provided that all
- 5 water distributed for irrigation purposes shall attach to and
- 6 follow the tract of land to which it is applied unless a change of
- 7 location has been approved by the board of directors pursuant to
- 8 sections 46-2,127 to 46-2,129 or by the Department of Natural
- 9 Resources pursuant to section 46-294 or sections 46-2,122 to
- 10 46-2,126.
- 11 (2) The board of directors may by the adoption of
- 12 appropriate bylaws provide for the suspension of water delivery to
- 13 any land in such district upon which the irrigation taxes levied
- 14 and assessed thereon shall remain due and unpaid for two years. It

15 shall be the duty of the directors to make all necessary
 16 arrangements for right-of-way for laterals from the main canal to
 17 each tract of land subject to assessment, and when necessary the
 18 board shall exercise its right of eminent domain to procure
 19 right-of-way for the laterals and shall make such rules in regard
 20 to the payment for such right-of-way as may be just and equitable.

21 (3) In times of reduced water supply, when the volume of
 22 water is not adequate to be beneficially used when equitably
 23 apportioned to all landowners in the district, the board may, after
 1 providing notice to landowners in a portion of the district and
 2 upon receiving no objections from the majority of such landowners,
 3 elect not to deliver water to that portion of the district. Such
 4 election shall not subject the district to liability under section
 5 46-160 and shall not affect the rights of landowners in that
 6 portion of the district to water deliveries in the future. Any
 7 election to not deliver water to a portion of the district shall be
 8 made on a year-to-year basis, not to exceed ten years, and such
 9 election shall not subject any landowner to adjudication of his or
 10 her water right under section 46-229. The board may adjust the
 11 tolls or charges made to landowners within the district to reflect
 12 the decrease in supply to those landowners in the portion of the
 13 district not receiving water pursuant to such election by the
 14 board.

15 Sec. 11. If any section in this act or any part of any
 16 section is declared invalid or unconstitutional, the declaration
 17 shall not affect the validity or constitutionality of the remaining
 18 portions.

19 Sec. 13. Since an emergency exists, this act takes
 20 effect when passed and approved according to law.".

21 2. On page 17, line 7, after "sections" insert
 22 "46-122,".

23 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 619:
 AM0757

(Amendments to Standing Committee amendments, AM0380)

1 1. Insert the following new sections:
 2 "Sec. 7. Section 54-2406, Revised Statutes Supplement,
 3 2002, is amended to read:
 4 54-2406. (1) Any person owning or operating a livestock
 5 operation that does not hold a permit, has not been notified by the
 6 department that no permit is required, or is not exempt under
 7 section 54-2403 shall, on forms prescribed by the department,
 8 request the department to inspect such person's livestock operation
 9 to determine if a livestock waste control facility is required. If
 10 an inspection is requested prior to January 1, 1999, an inspection
 11 fee for such inspection shall not be assessed. For inspections
 12 requested on or after January 1, 1999, there shall be an inspection
 13 fee of fifty dollars for a class I livestock waste control

14 facility, two hundred dollars for a ~~or~~ class II livestock waste
15 control facility, and an inspection fee of five hundred dollars for
16 a class III livestock waste control facility, and one thousand
17 dollars for a ~~or~~ class IV livestock waste control facility. A
18 person who requests an inspection prior to January 1, 2000, shall
19 not be determined by the department to be in violation of the
20 permitting provisions of the Livestock Waste Management Act prior
21 to issuance or denial of a permit for such livestock waste control
22 facility. However, the person shall not violate any provisions of
23 the Environmental Protection Act. Any exempt livestock operation
1 that has requested an inspection shall have such inspection
2 canceled by the department.

3 (2) The department shall, in conjunction with natural
4 resources districts and the Cooperative Extension Service of the
5 University of Nebraska, publicize information to make owners and
6 operators of affected livestock operations aware of the need to
7 request an inspection.

8 (3) Any person required to request an inspection under
9 this section who operates a livestock operation after January 1,
10 2000, except an exempt livestock operation, without first
11 submitting the request for inspection required under this section
12 shall be assessed, except for good cause shown, a late fee of not
13 less than fifty dollars nor more than five hundred dollars for each
14 offense. Each month a violation continues shall constitute a
15 separate offense.

16 Sec. 8. Section 54-2407, Revised Statutes Supplement,
17 2002, is amended to read:

18 54-2407. (1) A permit issued under section 54-2404 shall
19 be valid as long as the livestock operation continues to operate.
20 Any livestock waste control facility meeting the requirements of
21 subsection (1) of section 54-2403 may continue to operate as long
22 as such requirements are met. The department may modify any permit
23 during its term in the event rules and regulations adopted under
24 the Livestock Waste Management Act change in such a manner as to
25 affect provisions in the permit. The department may require the
26 permitholder to furnish such information as is necessary to
27 determine compliance with current rules and regulations.

1 (2) The department, in modifying permits under this
2 section, shall include conditions in the permit which will allow a
3 reasonable period of time of up to one year to achieve compliance
4 with the rules and regulations and the act. Modifications shall be
5 done in accordance with section 81-1507 and pursuant to rules and
6 regulations as adopted under section 54-2413.

7 (3) Any person holding a permit for a livestock waste
8 control facility issued under section 54-2404 shall notify the
9 department of a change of ownership and other information as
10 prescribed by the department for purposes of review under section
11 54-2409.

12 (4) Any person holding a permit for a livestock waste

13 control facility issued under section 54-2404 shall remit an
14 operating fee of one hundred dollars for a class I or class II
15 permit and three hundred dollars for a class III or class IV permit
16 to the department prior to June 30, 2004. Thereafter, operating
17 fees shall be remitted as follows: Class IV facilities shall
18 require such permit fee yearly, class III facilities every second
19 year, class II facilities every third year, and class IV facilities
20 every fifth year. The fee shall be paid on or before June 30 of
21 the year due.

22 Sec. 9. Section 54-2408, Revised Statutes Supplement,
23 2002, is amended to read:

24 54-2408. (1)(a) Any person required to obtain a permit
25 for a livestock waste control facility under section 54-2404 shall
26 file an application with the department in the manner established
27 by the department. The application fees shall be ~~three~~ five
1 hundred dollars for a class I livestock waste control facility,
2 ~~eight~~ fifteen hundred dollars for a class II livestock waste
3 control facility, ~~one thousand five hundred~~ three thousand dollars
4 for a class III livestock waste control facility, and ~~five~~ ten
5 thousand dollars for a class IV livestock waste control facility.

6 (b) For permit modifications the fee shall equal the
7 amount of the application fee for the class of the proposed
8 modification minus the application fee for the size and
9 corresponding class of the facility permitted at the time the
10 modification is requested. If the permit modification will result
11 in a lower class designation, there shall be no fee.

12 (c) Any modification of a construction permit which does
13 not cause the permitted livestock operation to change class and
14 which reconfigures the livestock waste control facility shall
15 require submittal of a modification fee of thirty percent of the
16 application fee for the facility class.

17 (d) Any modification of an operating permit which does
18 not cause the permitted livestock operation to change class and
19 which would individually or cumulatively increase the animal unit
20 capacity by more than thirty percent shall require submittal of a
21 modification fee of thirty percent of the application fee for the
22 facility class.

23 (2) All fees collected under this section and section
24 54-2406 shall be remitted to the State Treasurer for credit to the
25 Livestock Waste Management Cash Fund which is created for the
26 purposes described in the Livestock Waste Management Act. Any
27 money in the fund available for investment shall be invested by the
1 state investment officer pursuant to the Nebraska Capital Expansion
2 Act and the Nebraska State Funds Investment Act.

3 (3) On or before January 1 of each year, the department
4 shall submit a report to the Legislature in sufficient detail to
5 document all direct and indirect costs incurred in the previous
6 fiscal year in carrying out the Livestock Waste Management Act,
7 including the number of inspections conducted for each class of

8 livestock waste control facility, the number of permitted livestock
 9 waste control facilities, the number of livestock operations
 10 inspected, the size of the livestock waste control facilities, the
 11 results of water quality monitoring programs, and other elements
 12 relating to carrying out the act. The Appropriations Committee of
 13 the Legislature shall review the report in its analysis of
 14 executive programs in order to verify that the revenue generated
 15 from fees was used solely to offset appropriate and reasonable
 16 costs associated with carrying out the act.

17 (4) It is the intent of the Legislature to appropriate
 18 one hundred fifty thousand dollars annually to the department to
 19 enhance water quality monitoring programs."

20 2. On page 17, line 8, after the second comma insert
 21 "54-2406 to 54-2408,".

22 3. Renumber the remaining sections and correct internal
 23 references accordingly.

Senator Brown filed the following amendment to LB 607:
 AM0741

(Amendments to Standing Committee amendments, AM0620)

- 1 1. On page 20, line 18, after "agency" insert ", except
 2 that an agency may discuss the report with the Governor. The
 3 Governor shall not release any part of the report".
- 4 2. On page 27, line 11, after the comma insert "in
 5 accordance with generally accepted government auditing standards
 6 for financial audits".
- 7 3. On page 28, line 24, strike "a financial audit" and
 8 insert "an audit in accordance with generally accepted government
 9 auditing standards for financial audits".
- 10 4. On page 31, line 23, strike "To" and insert "When
 11 authorized, to".

Senator Landis filed the following amendment to LB 790:
 AM0764

- 1 1. Strike original sections 80 to 83 and insert the
 2 following new section:
 3 "Sec. 65. Public utilities owned and operated by a
 4 municipality or a metropolitan utilities district shall establish
 5 rates and conditions of service for all residential customers of
 6 each such utility in a nondiscriminatory manner".
- 7 2. On page 64, line 17, strike "2003" and insert "2004";
 8 in line 22 strike "eleven" and insert "one"; and in line 26 strike
 9 "first" through "of".
- 10 3. On page 65, strike beginning with "The" in line 1
 11 through the period in line 2.
- 12 4. On page 67, line 1, strike "75-132, and 77-2704.13"
 13 and insert "and 75-132"; and in lines 3 and 4 strike "77-2701,
 14 77-2702.07,".
- 15 5. Renumber the remaining sections and correct internal

16 references accordingly.

ANNOUNCEMENT

The Urban Affairs Committee designates LB 643 and LB 650 as its priority bills.

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 303. No objections. So ordered.

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

VISITORS

Visitors to the Chamber were Randy Thomas from Lincoln; and the Kearney Leadership Group from Kearney.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Wednesday, March 12, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 12, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 12, 2003

PRAYER

The prayer was offered by Pastor Todd Schave, First Baptist Church, Blair, Nebraska.

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 Senators Landis, McDonald, Dw. Pedersen, Price, Quandahl, Raikes, Synowiecki, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

**STANDING COMMITTEE REPORTS
Transportation and Telecommunications**

LEGISLATIVE BILL 743. Placed on General File as amended.
(Standing Committee amendment, AM0715, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 553. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

The Agriculture Committee designates LB 735 and LB 212 as its priority bills.

GENERAL FILE

LEGISLATIVE BILL 357A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 94A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 619. The Standing Committee amendment, AM0380, printed separately and referred to on page 572 and considered on page 804, was renewed.

Senator Jones renewed his pending amendment, AM0668, found on page 778, to the Standing Committee amendment.

The Jones amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Baker renewed his pending amendment, AM0700, found on page 810, to the Standing Committee amendment.

The Baker amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Beutler withdrew his pending amendment, AM0757, found on page 811.

Senator Beutler offered the following amendment to the Standing Committee amendment:
AM0781

(Amendments to Standing Committee amendments, AM0380)

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 54-2406, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 54-2406. (1) Any person owning or operating a livestock
- 5 operation that does not hold a permit, has not been notified by the
- 6 department that no permit is required, or is not exempt under
- 7 section 54-2403 shall, on forms prescribed by the department,
- 8 request the department to inspect such person's livestock operation
- 9 to determine if a livestock waste control facility is required. If
- 10 an inspection is requested prior to January 1, 1999, an inspection
- 11 fee for such inspection shall not be assessed. For inspections
- 12 requested on or after January 1, 1999, there shall be an inspection
- 13 fee of fifty dollars for a class I livestock waste control
- 14 facility, two hundred dollars for a ~~or~~ class II livestock waste
- 15 control facility, and an inspection fee of five hundred dollars for
- 16 a class III livestock waste control facility, and one thousand

17 dollars for a ~~or~~ class IV livestock waste control facility. A
18 person who requests an inspection prior to January 1, 2000, shall
19 not be determined by the department to be in violation of the
20 permitting provisions of the Livestock Waste Management Act prior
21 to issuance or denial of a permit for such livestock waste control
22 facility. However, the person shall not violate any provisions of
23 the Environmental Protection Act. Any exempt livestock operation
1 that has requested an inspection shall have such inspection
2 canceled by the department.

3 (2) The department shall, in conjunction with natural
4 resources districts and the Cooperative Extension Service of the
5 University of Nebraska, publicize information to make owners and
6 operators of affected livestock operations aware of the need to
7 request an inspection.

8 (3) Any person required to request an inspection under
9 this section who operates a livestock operation after January 1,
10 2000, except an exempt livestock operation, without first
11 submitting the request for inspection required under this section
12 shall be assessed, except for good cause shown, a late fee of not
13 less than fifty dollars nor more than five hundred dollars for each
14 offense. Each month a violation continues shall constitute a
15 separate offense.

16 Sec. 8. Section 54-2407, Revised Statutes Supplement,
17 2002, is amended to read:

18 54-2407. (1) A permit issued under section 54-2404 shall
19 be valid as long as the livestock operation continues to operate.
20 Any livestock waste control facility meeting the requirements of
21 subsection (1) of section 54-2403 may continue to operate as long
22 as such requirements are met. The department may modify any permit
23 during its term in the event rules and regulations adopted under
24 the Livestock Waste Management Act change in such a manner as to
25 affect provisions in the permit. The department may require the
26 permit holder to furnish such information as is necessary to
27 determine compliance with current rules and regulations.

1 (2) The department, in modifying permits under this
2 section, shall include conditions in the permit which will allow a
3 reasonable period of time of up to one year to achieve compliance
4 with the rules and regulations and the act. Modifications shall be
5 done in accordance with section 81-1507 and pursuant to rules and
6 regulations as adopted under section 54-2413.

7 (3) Any person holding a permit for a livestock waste
8 control facility issued under section 54-2404 shall notify the
9 department of a change of ownership and other information as
10 prescribed by the department for purposes of review under section
11 54-2409.

12 (4) Any person holding a permit for a livestock waste
13 control facility issued under section 54-2404 shall remit an
14 operating fee of one hundred dollars for a class I or class II
15 permit and three hundred dollars for a class III or class IV permit

16 to the department prior to June 30, 2004. Thereafter, operating
17 fees shall be remitted as follows: Class IV facilities shall
18 require such permit fee yearly, class III facilities every second
19 year, class II facilities every third year, and class I facilities
20 every fifth year. The fee shall be paid on or before June 30 of
21 the year due.

22 Sec. 9. Section 54-2408, Revised Statutes Supplement,
23 2002, is amended to read:

24 54-2408. (1)(a) Any person required to obtain a permit
25 for a livestock waste control facility under section 54-2404 shall
26 file an application with the department in the manner established
27 by the department. The application fees shall be ~~three~~ five
1 hundred dollars for a class I livestock waste control facility,
2 ~~eight~~ fifteen hundred dollars for a class II livestock waste
3 control facility, ~~one thousand five hundred~~ three thousand dollars
4 for a class III livestock waste control facility, and ~~five~~ ten
5 thousand dollars for a class IV livestock waste control facility.

6 (b) For permit modifications the fee shall equal the
7 amount of the application fee for the class of the proposed
8 modification minus the application fee for the size and
9 corresponding class of the facility permitted at the time the
10 modification is requested. If the permit modification will result
11 in a lower class designation, there shall be no fee.

12 (c) Any modification of a construction permit which does
13 not cause the permitted livestock operation to change class and
14 which reconfigures the livestock waste control facility shall
15 require submittal of a modification fee of thirty percent of the
16 application fee for the facility class.

17 (d) Any modification of an operating permit which does
18 not cause the permitted livestock operation to change class and
19 which would individually or cumulatively increase the animal unit
20 capacity by more than thirty percent shall require submittal of a
21 modification fee of thirty percent of the application fee for the
22 facility class.

23 (2) All fees collected under this section and section
24 54-2406 shall be remitted to the State Treasurer for credit to the
25 Livestock Waste Management Cash Fund which is created for the
26 purposes described in the Livestock Waste Management Act. Any
27 money in the fund available for investment shall be invested by the
1 state investment officer pursuant to the Nebraska Capital Expansion
2 Act and the Nebraska State Funds Investment Act.

3 (3) On or before January 1 of each year, the department
4 shall submit a report to the Legislature in sufficient detail to
5 document all direct and indirect costs incurred in the previous
6 fiscal year in carrying out the Livestock Waste Management Act,
7 including the number of inspections conducted for each class of
8 livestock waste control facility, the number of permitted livestock
9 waste control facilities, the number of livestock operations
10 inspected, the size of the livestock waste control facilities, the

11 results of water quality monitoring programs, and other elements
 12 relating to carrying out the act. The Appropriations Committee of
 13 the Legislature shall review the report in its analysis of
 14 executive programs in order to verify that the revenue generated
 15 from fees was used solely to offset appropriate and reasonable
 16 costs associated with carrying out the act.

17 (4) It is the intent of the Legislature to appropriate
 18 one hundred fifty thousand dollars annually to the department to
 19 enhance water quality monitoring programs."

20 2. On page 17, line 8, after the second comma insert
 21 "54-2406 to 54-2408,".

22 3. Renumber the remaining sections and correct internal
 23 references accordingly.

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

SENATOR CUDABACK PRESIDING

Senator Beutler withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS **General Affairs**

LEGISLATIVE BILL 471. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 156. Placed on General File as amended.
 Standing Committee amendment to LB 156:
 AM0762

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 8-1401, Revised Statutes Supplement,
 4 2002, is amended to read:
 5 8-1401. (1) No person ~~or corporation or association~~
 6 organized under the Business Corporation Act, the Credit Union Act,
 7 the Nebraska Banking Act, ~~the Nebraska Depository Institution~~
 8 ~~Guaranty Corporation Act~~, the Nebraska Industrial Development
 9 Corporation Act, the Nebraska Nonprofit Corporation Act, the
 10 Nebraska Professional Corporation Act, the Nebraska Trust Company

11 Act, or Chapter 8, article 3, ~~or 4~~, or otherwise authorized to
12 conduct business in Nebraska or organized under the laws of the
13 United States, shall be required to disclose any records or
14 information, financial or otherwise, that it deems confidential
15 concerning its affairs or the affairs of any person ~~or corporation~~
16 with which it is doing business to any person, party, agency, or
17 organization, unless;

18 (a) The ~~(a)~~ disclosure relates to a lawyers trust
19 account and is required to be made to the Counsel for Discipline of
20 the Nebraska Supreme Court pursuant to a rule adopted by the
21 Nebraska Supreme Court;

22 (b) The disclosure is governed by rules for discovery
23 promulgated pursuant to section 25-1273.01;

24 (c) The request for disclosure is made by a law
1 enforcement agency regarding a crime, a fraud, or any other
2 unlawful activity in which the person to whom the request for
3 disclosure is made is or may be a victim of such crime, fraud, or
4 unlawful activity;

5 (d) The request for disclosure is made by a governmental
6 agency which is a duly constituted supervisory regulatory agency of
7 the person to whom the request for disclosure is made, and the
8 disclosure relates to examinations, audits, investigations, or
9 inquiries of such persons;

10 (e) The request for disclosure is made pursuant to
11 subpoena issued under the laws of this state by a governmental
12 agency exercising investigatory or adjudicative functions with
13 respect to a matter within the agency's jurisdiction;

14 (f) The production of records is pursuant to a written
15 demand of the Tax Commissioner under section 77-375;

16 (g) There is first presented to such person a subpoena,
17 summons, or warrant issued by a court of competent jurisdiction;

18 (h) A statute by its terms or rules and regulations
19 adopted and promulgated thereunder requires the disclosure, other
20 than by subpoena, summons, warrant, or court order;

21 (i) There ~~or (b)~~ there is presented to such person,
22 corporation, or association a court an order of a court of
23 competent jurisdiction setting forth the exact nature and limits of
24 such required disclosure and a showing that all persons ~~or~~
25 organizations to be affected by such order have had reasonable
26 notice and an opportunity to be heard upon the merits of such
27 order; or

1 (j) There is first presented to such person the written
2 permission of the person about whom records or information is being
3 sought authorizing the release of the requested records or
4 information. The requesting party shall pay the costs of providing
5 such records or information pursuant to section 8-1402. This
6 section shall not apply to any duly constituted supervisory
7 regulatory agency of such person, corporation, or association, to
8 the production of records pursuant to a written demand of the Tax

9 Commissioner under section 77-375, to disclosures governed by rules
10 for discovery adopted and promulgated pursuant to section
11 25-1273.01, or to such cases for which specific disclosures are
12 specifically required by other sections of the statutes heretofore
13 or hereafter enacted, except that the Department of Banking and
14 Finance shall be subject to the payment of cost provision of this
15 section when making inquiries that are beyond those normally made
16 in conducting examinations and inquiries for the purpose of
17 determining the safety and soundness of a financial institution,
18 but shall not be subject to the disclosure and reasonable notice
19 provisions of this section when making reasonable inquiries of any
20 person, corporation, or association for the purpose of enforcing
21 any of the laws over which the department has jurisdiction.

22 (2) Any person, corporation, or association which who
23 makes a disclosure of records or information as required by
24 subsection (4) of this section shall not be held civilly or
25 criminally liable for such disclosure in the absence of malice, bad
26 faith, intent to deceive, or gross negligence.

27 Sec. 2. Section 8-1402, Revised Statutes Supplement,
1 2002, is amended to read:

2 8-1402. If any person, corporation, or association
3 covered by section 8-1401 is required by court order, by lawful
4 subpoena, summons, or warrant, or by written demand pursuant to
5 subsection (2) of section 77-375 or, after receiving the written
6 permission of the person, corporation, or association about whom
7 records or information is being sought, voluntarily consents to
8 provide records or information in its possession, it shall be paid
9 by the requesting person, party, agency, or organization for the
10 service.

11 (1) Any person, party, agency, or organization requesting
12 disclosure of records or information pursuant to section 8-1401
13 shall pay the costs of providing such records or information,
14 unless:

15 (a) The request for disclosure is made pursuant to
16 subdivision (1)(a) of section 8-1401 and a Nebraska Supreme Court
17 rule provides for the method of payment;

18 (b) The request is made pursuant to subdivision (1)(b) of
19 section 8-1401 and the rules for discovery provide for the method
20 of payment;

21 (c) The request for disclosure is made pursuant to
22 subsection (1)(c) or (1)(d) of section 8-1401;

23 (d) Otherwise ordered by a court of competent
24 jurisdiction; or

25 (e) The person making the disclosure waives any or all of
26 the costs.

27 (2) The requesting person, party, agency, or organization
1 shall pay five dollars per hour per person for the time actually
2 spent on the service or, if such person, corporation, or
3 association can show that its actual expense in providing the

4 records or information was greater than five dollars per hour per person, it shall be paid the actual cost of providing the records or information.

7 (3) No person, corporation, or association authorized to
 8 receive payment pursuant to subsection (1) of this section has an
 9 obligation to provide any records or information pursuant to
 10 section 8-1401; other than pursuant to a court order, a lawful
 11 subpoena, summons, or warrant, or a written demand pursuant to
 12 subsection (2) of section 77-375, until assurances are received
 13 that the costs due under this section will be paid, except for
 14 requests made pursuant to subdivisions (1)(c), (1)(d), (1)(e), and
 15 (1)(f) of section 8-1401.

16 Sec. 3. For purposes of sections 8-1401 and 8-1402:

17 (1) Governmental agency means any agency, department, or
 18 commission of this state or any authorized officer, employee, or
 19 agent of such agency, department, or commission;

20 (2) Law enforcement agency means an agency or department
 21 of this state or of any political subdivision of this state that
 22 obtains, serves, and enforces arrest warrants or that conducts or
 23 engages in prosecutions for violations of the law; and

24 (3) Person means any individual, corporation,
 25 partnership, limited liability company, association, joint stock
 26 association, trust, unincorporated organization, political
 27 subdivision of a government, and any other legal entity.

1 Sec. 4. Original sections 8-1401 and 8-1402, Revised
 2 Statutes Supplement, 2002, are repealed."

(Signed) Mark Quandahl, Chairperson

Judiciary

LEGISLATIVE BILL 354. Placed on General File.

LEGISLATIVE BILL 364. Placed on General File.

LEGISLATIVE BILL 610. Placed on General File.

LEGISLATIVE BILL 118. Placed on General File as amended.

Standing Committee amendment to LB 118:

AM0609

1 1. On page 3, line 18, strike "Makes" and insert

2 "Knowingly makes".

LEGISLATIVE BILL 133. Placed on General File as amended.

Standing Committee amendment to LB 133:

AM0685

1 1. Strike beginning with line 24 on page 2 through line

2 5 on page 3, show the old matter as stricken, and insert:

3 "(3) While retaining temporary custody, the peace officer

4 shall communicate all relevant available information regarding such

5 juvenile to the probation officer and shall deliver the juvenile,

6 if necessary, to the probation officer. The probation officer
7 shall determine the need for detention of the juvenile as provided
8 in section 43-260.01. Upon determining that the juvenile should be
9 placed in a secure or nonsecure placement and securing placement in
10 such secure or nonsecure setting by the probation officer, the
11 peace officer shall implement the probation officer's decision to
12 release or to detain and place the juvenile. When secure detention
13 of a juvenile is necessary, such detention shall occur within a
14 juvenile detention facility except:".

LEGISLATIVE BILL 455. Placed on General File as amended.
Standing Committee amendment to LB 455:
AM0746

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. The Legislature affirms the importance of
4 parole as a program for the supervised release of inmates making
5 the transition from confinement to responsible citizenship.
6 Therefor the Legislature intends that committed offenders eligible
7 for parole should have the opportunity to complete the final stages
8 of their sentences on parole.
9 Sec. 2. Section 83-1,110, Reissue Revised Statutes of
10 Nebraska, is amended to read:
11 83-1,110. (1) ~~Except as provided in subsections (3) and~~
12 ~~(4) of this section, every~~ Every committed offender shall be
13 eligible for parole when the offender has served one-half the
14 minimum term of his or her sentence as provided in sections
15 83-1,107 and 83-1,108. The board shall conduct a parole review not
16 later than sixty days prior to the date a committed offender
17 becomes eligible for parole as provided in this subsection, except
18 that if a committed offender is eligible for parole upon his or her
19 commitment to the department, a parole review shall occur as early
20 as practical. No such reduction of sentence shall be applied to
21 any sentence imposing a mandatory minimum term.
22 (2) ~~Except as provided in subsections (3) and (4) of this~~
23 ~~section, every~~ Every committed offender sentenced to consecutive
24 terms, whether received at the same time or at any time during the
1 original sentence, shall be eligible for release on parole when the
2 offender has served the total of one-half the minimum ~~terms~~ term as
3 provided in sections 83-1,107 and 83-1,108. The maximum terms
4 shall be added to compute the new maximum term which, less good
5 time, shall determine the date when discharge from the custody of
6 the state becomes mandatory.
7 (3) The department shall make treatment programming
8 available to committed offenders as provided in section 83-1,110.01
9 and shall include continuing participation in such programming as
10 part of each offender's parolee personalized program plan. A
11 ~~committed offender who has been found guilty of a violation of the~~
12 ~~rules and regulations of the department for drug or alcohol use~~

13 pursuant to sections 83-4,109 to 83-4,123 shall not be eligible for
14 parole for twelve months following the imposition of the
15 disciplinary action.

16 (4) A committed offender shall not be eligible for parole
17 if the offender refuses to comply with the department approved
18 personalized program plan as stipulated in section 83-1,107.

19 Sec. 3. Section 83-1,111, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 83-1,111. (1) Every committed offender shall be
22 interviewed and have his or her record reviewed by two or more
23 members of the Board of Parole or a person designated by the board
24 within sixty days before the expiration of his or her minimum term
25 less any reductions as provided in section 83-1,110. If, in the
26 opinion of the reviewers, the review indicates the offender is
27 reasonably likely to be granted parole, the Board of Parole shall

1 schedule a public hearing before a majority of its members. At
2 such hearing the offender may present evidence, call witnesses, and
3 be represented by counsel. If, in the opinion of the reviewers,
4 the review indicates the offender should be denied parole, the
5 offender may request an additional review by a majority of the
6 members of the board. A review by the majority of the members of
7 the board may be conducted not more than once annually. Any
8 hearing and review shall be conducted in an informal manner, but a
9 complete record of the proceedings shall be made and preserved.

10 (2) The board shall render its decision regarding the
11 committed offender's release on parole within a reasonable time
12 after the hearing or review. The decision shall be by majority
13 vote of the board. The decision shall be based on the entire
14 record before the board, which shall include the opinion of the
15 person who conducted the review. If the board shall deny parole,
16 written notification listing the reasons for such denial and the
17 recommendations for correcting deficiencies which cause the denial
18 shall be given to the committed offender within thirty days
19 following the hearing.

20 (3) If the board fixes the release date, such date shall
21 be not more than six months from the date of the committed
22 offender's parole hearing, or from the date of last reconsideration
23 of his or her case, unless there are special reasons for fixing a
24 later release date.

25 (4) If the board defers the case for later
26 reconsideration, the committed offender shall be afforded a parole
27 hearing review at least once a year until a release date is fixed.

1 The board may order a reconsideration or a rehearing of the case at
2 any time.

3 (5) The release of a committed offender on parole shall
4 not be upon the application of the offender, but by the initiative
5 of the Board of Parole. No application for release on parole made
6 by a committed offender or on his or her behalf shall be
7 entertained by the board. Nothing herein shall prohibit the

8 Director of Correctional Services from recommending to the board
 9 that it consider an individual offender for release on parole.
 10 Sec. 4. Section 83-1,135, Reissue Revised Statutes of
 11 Nebraska, is amended to read:
 12 83-1,135. Sections 83-170 to 83-1,135 and section 1 of
 13 this act shall be known and may be cited as the Nebraska Treatment
 14 and Corrections Act.
 15 Sec. 5. Original sections 83-1,110, 83-1,111, and
 16 83-1,135, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 628. Placed on General File as amended.
 Standing Committee amendment to LB 628:
 AM0577

1 1. On page 2, line 16, after "other" insert "temporary
 2 or final"; and in line 18 after "laws" insert ", broadly
 3 construed".
 4 2. On page 3, line 21, after the last "the" insert
 5 "applicable federal and state".
 6 3. On page 5, lines 24 and 25, strike "state agency
 7 responsible" and insert "State Patrol"; in line 26 strike "an" and
 8 insert "another"; and strike line 28 and insert "with the State
 9 Patrol".
 10 4. On page 6, line 11, strike "must" and insert "shall";
 11 in line 21 strike "may" and insert "shall"; and in lines 26 and 27
 12 strike "an act or omission" and insert "conduct".
 13 5. On page 7, line 1, strike "act or omission" and
 14 insert "conduct"; and in line 10 strike "must" and insert "shall".

LEGISLATIVE BILL 629. Placed on General File as amended.
 Standing Committee amendment to LB 629:
 AM0530

1 1. On page 5, lines 3 and 12; page 6, line 1; page 7,
 2 lines 10, 16, and 17; page 12, line 12; page 13, line 7; page 17,
 3 line 20; page 18, line 25; page 22, lines 6, 11, and 18; page 23,
 4 line 6; page 24, lines 1, 2, 6, and 12; page 25, lines 4 and 10;
 5 page 26, line 4; page 27, lines 20, 24, and 26; page 28, line 5;
 6 and on page 30, line 14, strike "must" and insert "shall".
 7 2. On page 17, line 3, strike "shall" and insert "may".

(Signed) Kermit A. Brashear, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 46. Introduced by Engel, 17.

WHEREAS, the South Sioux City girls' basketball team is the champion
 of the 2003 Class B Girls' State Basketball Tournament, repeating its
 championship successes of 1995, 1996, 1997, 1998, 2000, 2001, and 2002;
 and

WHEREAS, the 52-45 win over a previously unbeaten and talented Gering 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 girls' basketball team, ranking fifth nationally by USA Today, to the number 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and its coaches, parents, and supporters.

2. That a copy of this resolution be sent to the South Sioux City Lady Cardinals' Basketball Team Head Coach, Kelly Flynn.

Laid over.

STANDING COMMITTEE REPORT

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.

State Fair Board
Sallie Atkins
Jo Kinsey
Frank Partsch
John Peetz

VOTE: Aye: Senators Kremer, Erdman, Burling, Cunningham, Preister, and Vrtiska. Nay: None. Absent: Senators Chambers and Mossey.

(Signed) Bob Kremer, Chairperson

NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems

Room 1525

The Nebraska Retirement Systems Committee will hold a briefing on March 19, 2003, at 12:15 in Room 1525 for the presentation of the Annual Reports by the Nebraska Investment Council and the Nebraska Public Employees Retirement Systems.

(Signed) Elaine Stuhr, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 437:
AM0761

(Amendments to Standing Committee amendments, AM0716)

- 1 1. On page 1, line 1, strike "line 10" and insert "lines
- 2 10 and 18"; and in line 2 after "matter" insert "; and in line 18
- 3 after 'of' insert 'one hundred' ".

GENERAL FILE

LEGISLATIVE BILL 294. Title read. Considered.

Advanced to E & R for review with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 607. Title read. Considered.

The Standing Committee amendment, AM0620, printed separately and referred to on page 707, was considered.

Senator Brown renewed her pending amendment, AM0741, found on page 814, to the Standing Committee amendment.

The Brown amendment was adopted with 30 ayes, 0 nays, and 19 present and not voting.

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

FA1194

Amend AM620

On page 28, in line 27, insert the word "first" before the word report.

Senator Wehrbein withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, and 12 present and not voting.

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

LEGISLATIVE BILL 332. Title read. Considered.

The Standing Committee amendment, AM0553, found on page 672, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, and 10 present and not voting.

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

LEGISLATIVE BILL 148. Title read. Considered.

Senator Landis renewed his pending amendment, AM0508, found on page 623.

The Landis amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, and 18 present and not voting.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

MOTION - Suspend Rules

Senator Schimek offered the following motion to LB 805:
Suspend Rule 3, Section 13, to permit cancellation of the public hearing by the Government, Military and Veterans Affairs Committee on LB 805.

The Schimek motion to suspend the rules prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 688. Placed on Select File as amended.
E & R amendment to LB 688:
AM7081

- 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:
- 4 (1) Scandals are rampant throughout college football as
- 5 evidenced by schools placed on probation by the National Collegiate
- 6 Athletic Association, coaches dismissed or forced to resign for
- 7 improprieties, and players being declared ineligible to compete for
- 8 violating rules against receiving fair financial compensation;
- 9 (2) Many players are recruited from impoverished families
- 10 and the rules of the National Collegiate Athletic Association

11 prohibiting reasonable financial compensation render such players
12 vulnerable to inducements, benefits, and other types of
13 compensation which are defined as illicit by the National
14 Collegiate Athletic Association rules;

15 (3) A fair rate of financial compensation would give
16 players a choice when offered illicit inducements, compensation, or
17 assistance;

18 (4) Rules of the National Collegiate Athletic Association
19 prohibiting compensation are unduly restrictive and unreasonable,
20 promote unfairness, encourage dishonesty in recruiting and
21 retaining players, and would not be tolerated if applied to all
22 students; and

23 (5) Players at United States service academies are
24 compensated while in attendance and are eligible to compete against
25 schools which are members of the National Collegiate Athletic
26 Association.

27 Sec. 2. The Legislature further finds and declares that:

28 (1) The University of Nebraska-Lincoln participates in a
29 national intercollegiate football program which produces millions
30 of dollars through ticket sales, lucrative national television and
31 other electronic broadcast contracts, and participation in
32 postseason bowl games;

33 (2) The football program promotes the university and
34 generates valuable intangible benefits such as enhancement of
35 image;

36 (3) The exertion of players and the revenue they generate
37 produce employment and salaries for many others, subsidize other
38 sports programs at the university, and underwrite travel expenses
39 of numerous university officials, staff, and others who attend
40 postseason bowl games in which the team participates;

41 (4) The university employs a large athletic department to
42 administer its intercollegiate athletic program and a sizable
43 football coaching staff charged primarily with the responsibility
44 of producing a team capable of competing successfully against the
45 best teams in their conference and in the nation and of generating
46 as much revenue as possible;

47 (5) Maintaining a winning football team has become an
48 integral aspect of the overall business or occupation of the
49 university as an institution;

50 (6) The football program of the university could not
51 exist without the athletes who play that arduous and dangerous
52 game;

53 (7) Such athletes do not appear at the university by
54 accident or happenstance but are actively recruited by university
55 personnel at considerable expense;

56 (8) Such athletes are not recruited nor are scholarships
57 awarded on the basis of need or academic achievement but for
58 athletic prowess, the recipients having been recruited to be
59 football players and not scholars;

9 (9) Many players spend more time on football-related
10 activities than academics; and
11 (10) Because a sound academic program for football
12 players may be difficult to develop due to the demands of the
13 sport, football players are entitled to some tangible return for
14 the strenuous work they perform and the revenue they generate for
15 the benefit of the university.

16 Sec. 3. The Legislature further finds and declares that,
17 in the same manner that nonathlete students are compensated for
18 performing various tasks while a student, football players shall be
19 entitled to fair financial compensation for playing football.

20 Sec. 4. Any person who competes in the sport of football
21 for the University of Nebraska-Lincoln may be granted a stipend,
22 the amount of which shall be determined by the university. In
23 addition, the university may in its discretion grant a stipend to
24 persons who compete in sports other than football which participate
25 in Big Twelve Conference competition.

26 Sec. 5. Nothing in this act shall be construed to make a
27 person a professional athlete.

1 Sec. 6. This act shall become operative whenever laws
2 granting a similar stipend or similarly restricting hours of
3 participation are enacted in at least four other states which have
4 teams that compete in the Big Twelve Conference or its successor.

5 Sec. 7. As a preferable alternative to the requirement
6 of section 4 of this act, the University of Nebraska-Lincoln may
7 limit the number of hours required to participate in
8 intercollegiate athletics to such number that participation in a
9 sport would not impede the student athlete's ability to carry a
10 regular academic workload which will allow such student athlete to
11 graduate in four years, will allow the student athlete adequate
12 time to participate in the intellectual and cultural activities on
13 campus, and further will allow the student athlete to work an
14 average of at least twelve hours per week during the academic
15 school year."

16 2. On page 1, strike line 2 and insert "provide for
17 paying a stipend to or restricting hours of participation for
18 persons competing in intercollegiate athletics; and to provide for
19 applicability of provisions."

LEGISLATIVE BILL 357A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 94A.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 46. Placed on General File as amended.
(Standing Committee amendment, AM0770, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Kermit A. Brashear, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 208. Placed on General File as amended.
(Standing Committee amendment, AM0571, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 775. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 165A. 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 165, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

MOTIONS - Print in Journal

Senator Wehrbein filed the following motion to LB 805:
Withdraw LB 805.

Senator Schrock filed the following motion to LB 642:
Place LB 642 on General File notwithstanding the action of the Revenue Committee, pursuant to Rule 3, Section 17.

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 790:
AM0785

- 1 1. Insert the following new section:
- 2 "Sec. 3. Public utilities which serve less than five
- 3 percent of the state's residential and commercial ratepayers in the
- 4 aggregate statewide shall not be subject to rate regulation by the
- 5 commission pursuant to the State Natural Gas Regulation Act.".
- 6 2. Renumber the remaining sections and correct internal

7 references accordingly.

Senator Redfield filed the following amendment to LB 175:
(Amendment, AM0766, is printed separately and available in the Bill Room, Room 1104.)

Senator Brown filed the following amendment to LB 303:

FA1195

Amend AM0159

1. On page 16, line 21, after "Act" insert "and proof of long-term care insurance as defined in section 44-4509".

ANNOUNCEMENTS

Senator Wehrbein announced the Appropriations Committee will meet in Room 1510 on March 13, 2003 instead of Room 1003.

Senator Stuhr designates LB 249 as her priority bill.

Senator Schrock designates LB 762 as his priority bill.

Senator Cudaback designates LB 743 as his priority bill.

The Judiciary Committee designates LB 255 and LB 270 as its priority bills.

Senator Synowiecki designates LB 304 as his priority bill.

NOTICE OF COMMITTEE HEARING Government, Military and Veterans Affairs Room 1507

LB 805 Friday, March 14, 2003 (cancel) 1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LR 39. No objections. So ordered.

Senators Johnson and Mossey asked unanimous consent to have their names added as cointroducers to LB 332. No objections. So ordered.

Senator Mines asked unanimous consent to have his name added as cointroducer to LB 111. No objections. So ordered.

Senator Cudaback asked unanimous consent to have his name added as cointroducer to LB 743. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 643. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Mines withdrew his name as cointroducer to LB 726.

VISITORS

Visitors to the Chamber were 37 students from Humboldt, Table Rock, and Steinauer; members of Women Involved in Farm Economics from across the state; and 34 fourth-grade students and teachers from North Bend.

The Doctor of the Day was Dr. Klutman from Columbus.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 13, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 13, 2003

PRAYER

The prayer was offered by Pastor Charles Larsen, Country Bible Church, Blair, Nebraska.

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 Senators Brashear, Friend, Johnson, Loudon, and Quandahl who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 28, 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 Investment Council.

APPOINTEE:

Richard DeFusco, 6611 S 41st St, Lincoln, NE 68516-2909

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

ANNOUNCEMENT

Senator Johnson designates LB 139 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 439A. 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 439, Ninety-eighth Legislature, First Session, 2003; and to reduce an appropriation.

GENERAL FILE

LEGISLATIVE BILL 165A. 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.

MOTION - Withdraw LB 805

Senator Wehrbein renewed his pending motion, found on page 833, to withdraw LB 805.

The Wehrbein motion to withdraw prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 197. Title read. Considered.

The Standing Committee amendment, AM0458, found on page 589, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 125:
AM0788

1 1. Insert the following new sections:

2 "Sec. 2. Section 44-371, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-371. (1)(a) All proceeds, cash values, and benefits
5 accruing under any annuity contract, under any policy or
6 certificate of life insurance payable upon the death of the insured
7 to a beneficiary other than the estate of the insured, or under any
8 accident or health insurance policy shall be exempt from
9 attachment, garnishment, or other legal or equitable process and
10 from all claims of creditors of the insured and of the beneficiary
11 if related to the insured by blood or marriage, unless a written
12 assignment to the contrary has been obtained by the claimant.
13 (b) ~~This subsection shall not apply to an individual's~~
14 ~~aggregate interests greater than ten thousand dollars on all loan~~
15 ~~values or cash values of all matured or unmatured life insurance~~
16 ~~contracts or to all proceeds, cash values, or benefits accruing~~
17 ~~under all annuity contracts owned by such individual.~~
18 ~~Notwithstanding anything in this subdivision to the contrary, the~~
19 ~~aggregate exemptions any person may claim under this subdivision~~
20 ~~and subdivision (2)(b) of section 44-1089 shall not exceed ten~~
21 ~~thousand dollars.~~

22 (c) ~~No insurance company shall be liable or responsible~~
23 ~~to any person to determine or ascertain the aggregate total of life~~
24 ~~insurance policy or annuity contract loan values, cash values,~~
1 ~~proceeds, or benefits for any policyholder or annuitant.~~

2 (2) Notwithstanding subsection (1) of this section, an
3 individual's interest in all loan values or cash values of all
4 matured or unmatured life insurance contracts or policies and in
5 all proceeds, cash values, or benefits accruing under all annuity
6 contracts owned by such individual shall not be exempt from
7 attachment, garnishment, or other legal or equitable process or
8 from any other claims of creditors of the insured and of the
9 beneficiary if related to the insured by blood or marriage, to the
10 extent that the loan value or cash value of any matured or
11 unmatured life insurance contract or the proceeds, cash values, or
12 benefits accruing under any annuity contract was established or
13 increased through contributions, premiums, or any other payments
14 made within three years prior to bankruptcy or within three years
15 prior to entry against the individual of a money judgment which
16 thereafter becomes final. An insurance company shall not be liable
17 or responsible to any person to determine or ascertain the
18 existence or identity of any such creditors prior to payment of any
19 such loan values, cash values, proceeds, or benefits.

20 (3) Notwithstanding subsection (1) of this section,
21 proceeds, cash values, and benefits accruing under any annuity

22 contract or under any policy or certificate of life insurance
23 payable upon the death of the insured to a beneficiary other than
24 the estate of the insured shall not be exempt from attachment,
25 garnishment, or other legal or equitable process by a judgment
26 creditor of the beneficiary if the judgment against the beneficiary
27 was based on, arose from, or was related to an act, transaction, or
1 course of conduct for which the beneficiary has been convicted by
2 any court of a crime punishable only by life imprisonment or death.
3 No insurance company shall be liable or responsible to any person
4 to determine or ascertain the existence or identity of any such
5 judgment creditor prior to payment of any such proceeds, cash
6 values, or benefits. This subsection shall apply to any judgment
7 rendered on or after January 1, 1995, irrespective of when the
8 criminal conviction is or was rendered and irrespective of whether
9 proceedings for attachment, garnishment, or other legal or
10 equitable process were pending on March 14, 1997.

11 Sec. 3. Section 44-1089, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 44-1089. (1) No noninsurance benefit, charity, relief,
14 or aid to be paid, provided, or rendered by any society shall be
15 liable to attachment, garnishment, or other process, or to be
16 seized, taken, appropriated, or applied by any legal or equitable
17 process or operation of law to pay any debt or liability of a
18 member or beneficiary, or any other person who may have a right
19 thereunder, either before or after payment by the society.

20 (2)(a) All proceeds, cash values, and benefits accruing
21 under any annuity contract, under any policy or certificate of life
22 insurance payable upon the death of the insured to a beneficiary
23 other than the estate of the insured, or under any accident or
24 health insurance policy shall be exempt from attachment,
25 garnishment, or other legal or equitable process and from all
26 claims of creditors of the insured and of the beneficiary if
27 related to the insured by blood or marriage, unless a written
1 assignment to the contrary has been obtained by the claimant.
2 (b) ~~This subsection shall not apply to an individual's~~
3 ~~aggregate interests greater than ten thousand dollars on all loan~~
4 ~~values or cash values of all matured or unmatured life insurance~~
5 ~~contracts or to all proceeds, cash values, or benefits accruing~~
6 ~~under all annuity contracts owned by such individual.~~
7 ~~Notwithstanding anything in this subdivision to the contrary, the~~
8 ~~aggregate exemptions any person may claim under subdivision (1)(b)~~
9 ~~of section 44-371 and this subdivision shall not exceed ten~~
10 ~~thousand dollars.~~

11 (c) ~~No fraternal benefit society shall be liable or~~
12 ~~responsible to any person to determine or ascertain the aggregate~~
13 ~~total of policy or certificate of life insurance or annuity~~
14 ~~contract loan values, cash values, proceeds, or benefits for any~~
15 ~~policy or certificate owner or annuitant.~~

16 (3) Notwithstanding subsection (2) of this section, an

17 individual's interest in all loan values or cash values of all
 18 matured or unmatured life insurance contracts or policies and in
 19 all proceeds, cash values, or benefits accruing under all annuity
 20 contracts owned by such individual shall not be exempt from
 21 attachment, garnishment, or other legal or equitable process or
 22 from any other claims of creditors of the insured and of the
 23 beneficiary if related to the insured by blood or marriage, to the
 24 extent that the loan value or cash value of any matured or
 25 unmatured life insurance contract or the proceeds, cash values, or
 26 benefits accruing under any annuity contract was established or
 27 increased through contributions, premiums, or any other payments
 1 made within three years prior to bankruptcy or within three years
 2 prior to entry against the individual of a money judgment which
 3 thereafter becomes final. A fraternal benefit society shall not be
 4 liable or responsible to any person to determine or ascertain the
 5 existence or identity of any such creditors prior to payment of any
 6 such loan values, cash values, proceeds, or benefits.

7 (4) Notwithstanding subsection (2) of this section,
 8 proceeds, cash values, and benefits accruing under any annuity
 9 contract or under any policy or certificate of life insurance
 10 payable upon the death of the insured to a beneficiary other than
 11 the estate of the insured shall not be exempt from attachment,
 12 garnishment, or other legal or equitable process by a judgment
 13 creditor of the beneficiary if the judgment against the beneficiary
 14 was based on, arose from, or was related to an act, transaction, or
 15 course of conduct for which the beneficiary has been convicted by
 16 any court of a crime punishable only by life imprisonment or death.
 17 No fraternal benefit society shall be liable or responsible to any
 18 person to determine or ascertain the existence or identity of any
 19 such judgment creditor prior to payment of any such proceeds, cash
 20 values, or benefits. This subsection shall apply to any judgment
 21 rendered on or after January 1, 1995, irrespective of when the
 22 criminal conviction is or was rendered and irrespective of whether
 23 proceedings for attachment, garnishment, or other legal or
 24 equitable process were pending on March 14, 1997."

25 2. On page 12, line 3, after "Original" insert "sections
 26 44-371 and 44-1089, Reissue Revised Statutes of Nebraska, and"; and
 27 in line 4 strike "is" and insert "are".

1 3. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB 149 as its priority bill.

Senator Engel designates LB 17 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 209. Title read. Considered.

Senator Mossey asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE RESOLUTION 39. Reported to the Legislature for further consideration.

(Signed) Jim Jensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

DeFusco, Richard - Nebraska Investment Council - Nebraska Retirement Systems

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 608:
FA1196

Amend AM0621

On page 22, line 21 after the period insert "For taxpayers qualifying under subsection (3)(b) of this section, the qualifying wage shall be equal to 75% of the minimum qualifying wage otherwise applicable.

Senator Dw. Pedersen filed the following amendment to LB 303:
AM0789

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 16, line 21, strike "and"; and in line 25
- 2 after "Act" insert "and (e) carries proof that he or she has
- 3 consented to a donation of his or her body organs and tissues as
- 4 provided in section 60-494".

Senator Jones filed the following amendment to LB 452:

(Amendment, AM0796, is printed separately and available in the Bill Room, Room 1104.)

GENERAL FILE

LEGISLATIVE BILL 756. Title read. Considered.

The Standing Committee amendment, AM0727, found on page 776, was considered.

Senator McDonald offered the following amendment to the Standing Committee amendment:
AM0769

(Amendments to Standing Committee amendments, AM0727)

- 1 1. On page 1, lines 8 and 9, after "cancer" insert "or
- 2 its side effects"; and strike beginning with "physician" in line 18
- 3 through "physician" in line 19 and insert "person licensed to
- 4 practice medicine and surgery or osteopathic medicine and surgery".
- 5 2. On page 4, line 2, strike "with the approval" and
- 6 insert "upon the recommendation".

The McDonald amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

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

LEGISLATIVE BILL 726. Title read. Considered.

Senator Schimek renewed her pending amendment, AM0748, found on page 788.

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

The Schimek amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senators Aguilar, Bromm, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Smith offered the following amendment:

FA1197

Line 9 strike "Visitors Promotion" and replace with "General"

SENATOR ENGEL PRESIDING

Senators Cudaback and D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Smith withdrew his amendment.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler 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 27 ayes, 5 nays, and 17 not voting.

Advanced to E & R for review with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 305:
AM0794

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 37-324, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-324. (1) The funds derived from the sale of permits
- 5 and publications as provided in the Game Law, any unexpended
- 6 balance now on hand from the sale of hunting, fur-harvesting, and
- 7 fishing permits, and all money required by the Game Law to be paid
- 8 into the State Game Fund are hereby appropriated to the use of the
- 9 commission (a) for the propagation, importation, protection,
- 10 preservation, and distribution of game and fish and necessary
- 11 equipment therefor and all things pertaining thereto, (b) for the
- 12 creation of cash funds under section 37-326, (c) for the
- 13 administration and enforcement of the State Boat Act, (d) for
- 14 boating safety educational programs, (e) for the construction and
- 15 maintenance of boating and docking facilities, navigation aids, and
- 16 access to boating areas and such other uses which will promote the
- 17 safety and convenience of the boating public in Nebraska, and (f)
- 18 (e) for publishing costs for publications relating to topics listed
- 19 in subdivisions (a) ~~through (d)~~ and (b) of this subsection and

20 other topics of general interest to the state as approved by the
21 commission. An amount equal to two dollars from each annual
22 resident fishing permit and two dollars from each combination
23 hunting and fishing permit sold in this state shall be used by the
1 commission for the administration, construction, operation, and
2 maintenance of fish hatcheries and for the distribution of fish.

3 (2) Expenditures for publications on topics of general
4 interest to the state shall not exceed the income derived from
5 single-copy and subscription sales of commission publications and
6 advertising revenue from such publications.

7 Sec. 20. Section 37-1214, Revised Statutes Supplement,
8 2002, is amended to read:

9 37-1214. (1) Except as otherwise provided in section
10 37-1211, the owner of each motorboat shall register such vessel or
11 renew the registration every three years as provided in section
12 37-1226. The owner of such vessel shall file an initial
13 application for a certificate of number pursuant to section 37-1216
14 with ~~the county treasurer of the county in which the applicant~~
15 ~~resides or, in the case of a nonresident, with any a county~~
16 treasurer on forms approved and provided by the commission. The
17 application shall be signed by the owner of the vessel, shall
18 contain the year manufactured, and shall be accompanied by a fee
19 for the three-year period of not less than fifteen dollars and not
20 more than twenty dollars for Class 1 boats, not less than thirty
21 dollars and not more than forty dollars for Class 2 boats, not less
22 than forty-five dollars and not more than sixty dollars for Class 3
23 boats, and not less than seventy-five dollars and not more than one
24 hundred dollars for Class 4 boats, as established by the commission
25 pursuant to section 37-327.

26 (2) If a county board consolidates services under the
27 office of a designated county official other than the county
1 treasurer pursuant to section 23-186, the powers and duties of the
2 county treasurer relating to registration under sections 37-1214 to
3 37-1227 shall be performed by the designated county official.

4 Sec. 21. Section 37-1241.04, Revised Statutes
5 Supplement, 2002, is amended to read:

6 37-1241.04. (1) A person shall operate a personal
7 watercraft on the waters of this state in a reasonable and prudent
8 manner. A maneuver which unreasonably or unnecessarily endangers
9 life, limb, or property is prohibited and includes weaving through
10 congested vessel traffic, ~~or jumping the wake produced by another~~
11 ~~vessel at a distance of less than thirty fifty yards, or jumping~~
12 the wake produced by a motorboat or personal watercraft that is
13 towing a person or persons.

14 (2) A person shall not operate a personal watercraft on
15 the waters of this state unless he or she is facing forward on the
16 watercraft.

17 Sec. 22. Section 37-1241.06, Revised Statutes
18 Supplement, 2002, is amended to read:

19 37-1241.06. (1)(a) No person under fourteen years of age
20 shall operate a motorboat or personal watercraft on the waters of
21 this state.

22 (b) No person under sixteen years of age shall operate a
23 motorboat or personal watercraft on the waters of this state with
24 an individual in tow behind the motorboat or personal watercraft.

25 (2) Effective May 1, 2000, and until January 1, 2004, a
26 person under sixteen years of age shall not operate a motorboat or
27 personal watercraft on the waters of this state unless he or she
1 has successfully completed a boating safety course approved by the
2 commission and has been issued a valid boating safety certificate.

3 (3) Effective January 1, 2004, a person under eighteen
4 years of age shall not operate a motorboat or personal watercraft
5 on the waters of this state unless he or she has successfully
6 completed a boating safety course approved by the commission and
7 has been issued a valid boating certificate.

8 (4) Effective January 1, 2005, a person under twenty-five
9 years of age shall not operate a motorboat or personal watercraft
10 on the waters of this state unless he or she has successfully
11 completed a boating safety course approved by the commission and
12 has been issued a valid boating certificate.

13 (5) No person under fourteen years of age shall operate a
14 personal watercraft on the waters of this state. The commission
15 may charge a fee of no more than ten dollars for a boating safety
16 course required by this section.

17 Sec. 23. Section 37-1241.07, Revised Statutes
18 Supplement, 2002, is amended to read:

19 37-1241.07. Effective May 1, 2000 on the operative date
20 of this section, the owner of a boat livery, or his or her agent or
21 employee, shall not lease, hire, or rent a motorboat or personal
22 watercraft to, or for operation by, any person under sixteen
23 eighteen years of age, unless the person presents his or her
24 certificate issued under section 37-1241.06.

25 Sec. 24. Section 37-1253, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 37-1253. (1) No person shall operate or give permission
1 for the operation of a motorboat on the waters of this state in
2 such a manner as to exceed a noise level of 96 decibels when
3 measured at one hundred feet or more on plane using the A-weighting
4 network of a sound level meter complying with the standards set
5 forth in S1.4-1983 (R 2001) of the American National Standards
6 Institute, as those standards existed on the operative date of this
7 section.

8 (2) The exhaust of every internal combustion engine used
9 on any motorboat shall be effectively muffled by equipment so
10 constructed and used as to muffle the noise of the exhaust in a
11 reasonable manner.

12 The use of cutouts is prohibited, except for motorboats
13 competing in a regatta or boat race approved as provided in

14 sections 37-1262 and 37-1263, and for such motorboats while on
15 trial runs, during a period not to exceed forty-eight hours
16 immediately preceding such regatta or race and for such motorboats
17 while competing in official trials for speed records during a
18 period not to exceed forty-eight hours immediately following such
19 regatta or race.

20 Sec. 25. Section 37-1256, Revised Statutes Supplement,
21 2002, is amended to read:

22 37-1256. (1) In the case of collision, accident, or
23 other casualty involving a vessel, the operator thereof, if the
24 collision, accident, or other casualty results in death, a missing
25 person, or injury to a person or damage to property in excess of
26 five hundred dollars, shall file with the commission a full
27 description of the collision, accident, or other casualty,
1 including such information and within such time limit as the
2 commission may by regulation require.

3 (2) The commission or any other law enforcement agency
4 shall notify the Nebraska State Patrol as soon as practicable in
5 any cases of collision, accident, or other casualty involving a
6 vessel, when the collision, accident, or other casualty results in
7 death, a missing person, or life-threatening injury to a person.

8 (3) The Nebraska State Patrol shall collaborate with the
9 commission or any other law enforcement agency in any
10 investigations pursuant to this section.

11 Sec. 26. Section 37-1273, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 37-1273. All fees as provided by the State Boat Act
14 shall be remitted to the ~~state treasury~~ and by the State Treasurer
15 placed in for credit to the State Game Fund to be used primarily
16 for (1) administration and enforcement of the State Boat Act, (2)
17 boating safety educational programs, (3) the construction and
18 maintenance of boating and docking facilities, navigation aids, and
19 access to boating areas and such other uses as will promote the
20 safety and convenience of the boating public in Nebraska, and (4)
21 publishing costs subject to the restrictions and limitations in
22 section 37-324. Secondary uses for the fees shall be for the
23 propagation, importation, protection, preservation, and
24 distribution of game and fish and necessary equipment therefor and
25 all things pertaining thereto. Such fund, when appropriated by the
26 Legislature, shall be used (1) for the propagation, importation,
27 protection, preservation, and distribution of game and fish and
1 necessary equipment therefor and all things pertaining thereto; (2)
2 for administration and enforcement of the State Boat Act; (3) for
3 the construction and maintenance of boating and docking facilities,
4 navigation aids, and access to boating areas and such other uses as
5 will promote the safety and convenience of the boating public in
6 Nebraska; and (4) for publishing costs subject to the restrictions
7 and limitations in section 37-324.

8 Sec. 27. Sections 1, 3 to 19, 24, and 28 of this act

9 become operative three calendar months after the adjournment of
 10 this legislative session. Sections 12, 20, 21, 25, 26, and 29 of
 11 this act become operative on June 1, 2003. The other sections of
 12 this act become operative on their effective date.

13 Sec. 29. Original sections 37-324 and 37-1273, Reissue
 14 Revised Statutes of Nebraska, and sections 37-1214, 37-1241.04, and
 15 37-1256, Revised Statutes Supplement, 2002, are repealed.

16 Sec. 30. Original sections 37-1241.06 and 37-1241.07,
 17 Revised Statutes Supplement, 2002, are repealed.

18 Sec. 31. Since an emergency exists, this act takes
 19 effect when passed and approved according to law."

20 2. On page 1, line 1, after "sections" insert "37-324,";
 21 in line 2 strike "and 37-496" and insert "37-496, 37-1253, and
 22 37-1273"; in line 5 strike "and 37-495" and insert "37-495,
 23 37-1214, 37-1241.04, 37-1241.06, 37-1241.07, and 37-1256"; in line
 24 8 strike "and limited deer permits" and insert "limited deer
 25 permits, motorboat registration, the operation of motorboats and
 26 personal watercraft, boating accident investigations, and State
 27 Boat Act fees"; in line 10 strike "and" and insert "to provide
 1 operative dates;"; and in line 11 after "sections" insert "; and to
 2 declare an emergency".

3 3. On page 19, line 25, strike "and"; and in line 26
 4 after the first comma insert "37-1253,".

5 4. Renumber the remaining sections and correct internal
 6 references accordingly.

Senator Kremer filed the following amendment to LB 250:
 AM0736

(Amendments to Final Reading copy)

1 1. On page 16, strike beginning with the colon in line
 2 12 through line 21, show the old matter as stricken, and insert "be
 3 in compliance with subdivision (2) of section 81-2,272.23."; and
 4 strike beginning with the colon in line 23 through line 28 and show
 5 the old matter as stricken.

6 2. On page 17, strike lines 1 through 4 and insert "be
 7 in compliance with subdivision (2) of section 81-2,272.23."; and
 8 strike lines 24 through 27, show the old matter as stricken, and
 9 insert "calendar days or at forty-one degrees Fahrenheit (five
 10 degrees Celsius) or below if the food is not to be consumed within
 11 four calendar days.".

12 3. On page 20, strike beginning with "food" in line 25
 13 through "81-2,272.24" in line 26 and insert "ready-to-eat,
 14 potentially hazardous food prepared on premises or by a food
 15 processing plant and opened at a food establishment and
 16 subsequently frozen at such food establishment"; and strike line
 17 28.

18 4. On page 21, strike lines 1 through 3; in line 4
 19 strike "(4)" and insert "(3)"; in line 12, strike "(5)" and insert
 20 "(4)"; strike beginning with "Except" in line 16 through "in" in

21 line 17 and insert "In"; and in line 18 strike "consumption" and
22 insert "preparation".

23 5. On page 22, strike lines 3 through 9.

Senator Synowiecki filed the following amendment to LB 209:
AM0744

1 1. Strike original sections 9 and 15 and insert the
2 following new sections:
3 "Sec. 3. Section 60-497.01, Revised Statutes Supplement,
4 2002, is amended to read:
5 60-497.01. (1) An abstract of the court record of every
6 case in which a person is convicted of violating any provision of
7 the Motor Vehicle Operator's License Act, the Motor Vehicle Safety
8 Responsibility Act, or the Nebraska Rules of the Road, as from time
9 to time amended by the Legislature, or any traffic regulations in
10 city or village ordinances shall be transmitted within thirty days
11 of sentencing or other disposition by the court to the director.
12 Any abstract received by the director more than thirty days after
13 the date of sentencing or other disposition shall be reported by
14 the director to the State Court Administrator.
15 (2) Any person violating section 28-306, 60-696, 60-697,
16 60-6,196, 60-6,197, 60-6,213, or 60-6,214 who is placed on
17 probation shall be assessed the same points under section 60-4,182
18 as if such person were not placed on probation, ~~unless a court has~~
19 ~~ordered the installation of an ignition interlock device pursuant~~
20 ~~to section 60-6,211.05 and sufficient evidence is presented to the~~
21 ~~department that such a device is installed.~~ For any other
22 violation, the director shall not assess such person with any
23 points under such section for such violation when the person is
24 placed on probation, until the director is advised by the court
1 that such person previously placed on probation has violated the
2 terms of his or her probation and such probation has been revoked.
3 Upon receiving notice of revocation of probation, the director
4 shall assess to such person the points which such person would have
5 been assessed had the person not been placed on probation. When a
6 person fails to successfully complete probation, the court shall
7 notify the director immediately.
8 Sec. 13. Section 60-6,197.01, Revised Statutes
9 Supplement, 2002, is amended to read:
10 60-6,197.01. (1) Upon conviction for a second or
11 subsequent violation of section 60-6,196 or 60-6,197, the ~~court~~
12 ~~shall impose either of the following restrictions on all motor~~
13 ~~vehicles owned by the person so convicted:~~
14 (1)(a) The court shall order the motor vehicle or motor
15 vehicles immobilized at the owner's expense for a period of time
16 not less than five days and not more than eight months and shall
17 notify the Department of Motor Vehicles of the period of
18 immobilization. Any immobilized motor vehicle shall be released to
19 the holder of a bona fide lien on the motor vehicle executed prior

20 to such immobilization when possession of the motor vehicle is
21 requested as provided by law by such lienholder for purposes of
22 foreclosing and satisfying such lien. If a person tows and stores
23 a motor vehicle pursuant to this subdivision at the direction of a
24 peace officer or the court and has a lien upon such motor vehicle
25 while it is in his or her possession for reasonable towing and
26 storage charges, the person towing the vehicle has the right to
27 retain such motor vehicle until such lien is paid. For purposes of
1 this subdivision, immobilized or immobilization means revocation or
2 suspension, at the discretion of the court, of the registration of
3 such motor vehicle or motor vehicles, including the license plates,
4 ; and

5 ~~(b)~~(i) (2)(a) Any immobilized motor vehicle shall be
6 released by the court without any legal or physical restraints to
7 any registered owner who is not the registered owner convicted of a
8 second or subsequent violation of section 60-6,196 or 60-6,197 if
9 an affidavit is submitted to the court by such registered owner
10 stating that the affiant is employed, that the motor vehicle
11 subject to immobilization is necessary to continue that employment,
12 that such employment is necessary for the well-being of the
13 affiant's dependent children or parents, that the affiant will not
14 authorize the use of the motor vehicle by any person known by the
15 affiant to have been convicted of a second or subsequent violation
16 of section 60-6,196 or 60-6,197, that affiant will immediately
17 report to a local law enforcement agency any unauthorized use of
18 the motor vehicle by any person known by the affiant to have been
19 convicted of a second or subsequent conviction of section 60-6,196
20 or 60-6,197, and that failure to release the motor vehicle would
21 cause undue hardship to the affiant.

22 (ii) (b) A registered owner who executes an affidavit
23 pursuant to subdivision ~~(1)(b)(i)~~ (2)(a) of this section which is
24 acted upon by the court and who fails to immediately report an
25 unauthorized use of the motor vehicle which is the subject of the
26 affidavit is guilty of a Class IV misdemeanor and may not file any
27 additional affidavits pursuant to subdivision ~~(1)(b)(i)~~ (2)(a) of
1 this section.

2 (iii) (c) The department shall adopt and promulgate rules
3 and regulations to implement the provisions of subdivision (1) of
4 this section. ; or

5 ~~(2) As an alternative to subdivision (1) of this section,~~
6 ~~the court shall order the installation of an ignition interlock~~
7 ~~device on each of the owner's motor vehicles if the owner was~~
8 ~~sentenced to an operator's license revocation of at least one year~~
9 ~~and has completed at least one year of such revocation. No license~~
10 ~~reinstatement may occur until sufficient evidence is presented to~~
11 ~~the department that an ignition interlock device is installed on~~
12 ~~each vehicle and that the applicant is eligible for use of an~~
13 ~~ignition interlock device. The installation of an ignition~~
14 ~~interlock device shall be for a period not less than six months~~

15 commencing upon the end of such year of the operator's license
 16 revocation. Notwithstanding any other provision of law, if the
 17 owner was convicted of a second or subsequent violation of section
 18 60-6,196 or 60-6,197, no ignition interlock device shall be ordered
 19 by any court or state agency under any circumstances until at least
 20 one year of the operator's license revocation shall have elapsed.

21 Sec. 21. The following sections are outright repealed:

22 Sections 60-4,118.06, 60-6,211.05, and 83-1,127.02, Revised
 23 Statutes Supplement, 2002."

24 2. On page 10, strike beginning with "Except" in line 1
 25 through "a" in line 2, show as stricken, and insert "A"; in line 10
 26 strike "(a)" and show as stricken; and strike beginning with "and"
 27 in line 16 through the period in line 23, show as stricken, and
 1 insert an underscored period.

2 3. On page 18, lines 11 and 12; and page 26, lines 20
 3 and 21, strike "unless otherwise authorized by an order issued
 4 pursuant to section 60-6,211.05," show as stricken, and insert an
 5 underscored comma.

6 4. On page 19, lines 7 through 9; page 20, lines 12 and
 7 13; page 21, lines 18 and 19; page 27, lines 18 through 20; page
 8 28, lines 24 and 25; and page 30, lines 3 and 4, strike "unless
 9 otherwise authorized by an order issued pursuant to section
 10 60-6,211.05" and show as stricken.

11 5. On page 42, line 12, strike "60-4,118.06" and insert
 12 "60-497.01", after "60-6,197," insert "60-6,197.01," and after
 13 "60-6,207," insert "and"; and in line 13 strike "and 60-6,211.05,".

14 6. Renumber the remaining sections and correct internal
 15 references accordingly.

Senator Smith filed the following amendment to LB 726:
 FA1198

Pg. 3, line 25 add "For the purposes of this section, the funds may not be
 used for debt incurred prior to Jan. 1, 2004.

Senator Schimek filed the following amendment to LB 357:
 AM0747

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
 2 "Sec. 5. The Corporation Cash Fund is created.
 3 Transfers from the fund to the Election Administration Fund may be
 4 made at the direction of the Legislature. On or before May 1,
 5 2003, the State Treasurer shall transfer two hundred sixty thousand
 6 dollars from the Corporation Cash Fund to the Election
 7 Administration Fund. Any money in the Corporation Cash Fund
 8 available for investment shall be invested by the state investment
 9 officer pursuant to the Nebraska Capital Expansion Act and the
 10 Nebraska State Funds Investment Act.

11 Sec. 6. Section 67-293, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 67-293. The filing fee for all filings pursuant to the
 14 Nebraska Uniform Limited Partnership Act, including amendments and
 15 name reservation, shall be ten dollars plus the recording fees set
 16 forth in subdivision (4) of section 33-101, except that the filing
 17 fee for filing a certificate of limited partnership pursuant to
 18 section 67-240 and for filing an application for registration as a
 19 foreign limited partnership pursuant to section 67-281 shall be two
 20 hundred dollars plus such recording fees. A fee of one dollar per
 21 page shall be paid for a certified copy of any document on file
 22 pursuant to the act. The fees for filings pursuant to the act
 23 shall be paid to the Secretary of State and by him or her remitted
 1 to the State Treasurer. The State Treasurer shall credit fifty
 2 percent of such fees to the General Fund and fifty percent of such
 3 fees to the Corporation Cash Fund, ~~which is hereby created. Any~~
 4 ~~money in the Corporation Cash Fund available for investment shall~~
 5 ~~be invested by the state investment officer pursuant to the~~
 6 ~~Nebraska Capital Expansion Act and the Nebraska State Funds~~
 7 ~~Investment Act. Any money in the Uniform Limited Partnership Cash~~
 8 ~~Fund on January 1, 1995, shall be transferred to the Corporation~~
 9 ~~Cash Fund on such date.~~

10 Sec. 8. Since an emergency exists, this act takes effect
 11 when passed and approved according to law."

12 2. On page 1, strike beginning with "elections" in line
 13 1 through line 6 and insert "state government; to amend sections
 14 32-308, 32-312, and 67-293, Reissue Revised Statutes of Nebraska,
 15 and sections 32-301 and 32-329, Revised Statutes Supplement, 2002;
 16 to change provisions relating to registration of voters; to provide
 17 for transfers of funds; to harmonize provisions; to repeal the
 18 original sections; and to declare an emergency."

19 3. On page 2, line 25, after "list" insert ", and funds
 20 available in the Election Administration Fund may be used for such
 21 purposes".

22 4. On page 10, line 23, strike "and 32-312" and insert
 23 ", 32-312, and 67-293".

24 5. Renumber section 5 as section 7.

ANNOUNCEMENTS

The Executive Board designates LB 598 and LB 470 as its priority bills.

Senator Cunningham designates LB 73 as his priority bill.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 564. Placed on General File as amended.
 Standing Committee amendment to LB 564:
 AM0767

1 1. Strike the original section and insert the following
2 new sections:
3 "Section 1. Section 77-112, Revised Statutes Supplement,
4 2002, is amended to read:
5 77-112. Actual value of real property for purposes of
6 taxation means the market value of real property in the ordinary
7 course of trade. Actual value may be determined using
8 professionally accepted mass appraisal methods, including, but not
9 limited to, the (1) sales comparison approach, (2) income approach,
10 and (3) cost approach. Actual value is the most probable price
11 expressed in terms of money that a property will bring if exposed
12 for sale in the open market, or in an arm's length transaction,
13 between a willing buyer and willing seller, both of whom are
14 knowledgeable concerning all the uses to which the real property is
15 adapted and for which the real property is capable of being used.
16 In analyzing the uses and restrictions applicable to real property,
17 the analysis shall include a consideration of the full description
18 of the physical characteristics of the real property and an
19 identification of the property rights being valued.
20 Sec. 2. Original section 77-112, Revised Statutes
21 Supplement, 2002, is repealed."

LEGISLATIVE BILL 462. Indefinitely postponed.

LEGISLATIVE BILL 592. Indefinitely postponed.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

Senator Raikes designates LB 540 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by Erdman, 47.

WHEREAS, the Paxton Lady Tigers girls' basketball team won the Nebraska Class D-2 Girls' State Basketball Championship with a sixty-three to forty-six victory over Banner County; and

WHEREAS, Paxton went undefeated throughout this season under Coach Dale Schroeder; and

WHEREAS, Mandy Nelsen won All State Honors, was appointed the Honorary Captain of the D-2 Squad, and was appointed to the All Tourney Team. Teammate Kelsey Perlinger also won All State Honors; and

WHEREAS, the Paxton girls' basketball team represented their community with excellence and sportsmanship.

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

1. That the Legislature congratulates the Paxton Lady Tigers girls' basketball team on their successful season.

2. That a copy of this resolution be sent to the team and coach Dale Schroeder.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 136, LB 171, LB 172, LB 332, LB 522, and LB 667. No objections. So ordered.

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 111. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 294. No objections. So ordered.

Senator Friend asked unanimous consent to have his name added as cointroducer to LB 439. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 604. No objections. So ordered.

Senators Tyson and Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 643. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 726. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 756. No objections. So ordered.

VISITORS

Visitors to the Chamber were Caitlen Urdahl from Chadron; Glenn Sorensen from Lincoln and Taylor Johnson and Nathan Caldwell; 19 fourth-grade students and teacher from St. Paul Lutheran School, Beatrice; and Randy and Lisa Papenhausen from Coleridge.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Friday, March 14, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 14, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 14, 2003

PRAYER

The prayer was offered by Pastor Doug Deneui, Ravenna Congregational Church, Ravenna, 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 Smith who was excused; and Senator Jensen who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

**STANDING COMMITTEE REPORTS
Education**

LEGISLATIVE BILL 172. Placed on General File.

LEGISLATIVE BILL 574. Placed on General File as amended.
(Standing Committee amendment, AM0816, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 619. Placed on Select File as amended.
(E & R amendment, AM7082, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 294. Placed on Select File.

LEGISLATIVE BILL 607. Placed on Select File as amended.
(E & R amendment, AM7084, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendment to LB 332:
AM7083

- 1 1. On page 1, line 5, strike "and" and after "section"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 165A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

ANNOUNCEMENTS

Senator Maxwell designates LB 95 as his priority bill.

The Education Committee designates LB 685 as its priority bill.

Senator Kremer designates LB 335 as his priority bill.

The Health and Human Services Committee designates LB 467 as its priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 13, 2003, 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

Kissel, Gordon
Greater Omaha Packing Co.

Lucas, Paul J.
Miller Brewing Co. (Withdrawn 03/10/2003)

Michael Kelley, Kelley & Lehan, P.C.
Daily Record

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Comprehensive Annual Financial Report Year Ended June 30, 2002

Employee Relations Report

Project Status Summary of the Nebraska Information Technology Commission

Education, Department of

Status of Negotiations for 2003-2005 between the Nebraska Department of Education and the Nebraska Association of Public Employees, AFSCME, Local 61

Legislative Fiscal Office

Re-certification of General Fund net receipts for fiscal year beginning July 1, 2002. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced February 25, 2003.

(Prepared jointly by the Department of Revenue and Legislative Fiscal Analyst)

Revenue, Department of

Re-certification of General Fund net receipts for fiscal year beginning July 1, 2002. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced February 25, 2003.

(Prepared jointly by the Department of Revenue and Legislative Fiscal Analyst)

University of Nebraska

Collective Bargaining Negotiations Status Report

SPEAKER BROMM PRESIDING**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 30. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.10, Reissue Revised Statutes of Nebraska; to provide for enforcement of certain violations; to create a fund; to eliminate a penalty; 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	Chambers	Hartnett	Maxwell	Redfield
Baker	Combs	Hudkins	McDonald	Schimek
Beutler	Connealy	Janssen	Mines	Schrock
Bourne	Cudaback	Johnson	Mossey	Stuhr
Brashear	Cunningham	Jones	Pedersen, Dw.	Stuthman
Bromm	Engel	Kremer	Pederson, D.	Synowiecki
Brown	Erdman	Kruse	Price	Tyson
Burling	Foley	Landis	Quandahl	Vrtiska
Byars	Friend	Louden	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Preister Thompson

Excused and not voting, 2:

Jensen 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.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 30A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 30, Ninety-eighth Legislature, First Session, 2003.

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	Redfield
Baker	Combs	Janssen	Mines	Schimek
Beutler	Connealy	Johnson	Mossey	Stuhr
Bourne	Cudaback	Jones	Pedersen, Dw.	Stuthman
Brashear	Cunningham	Kremer	Pederson, D.	Synowiecki
Bromm	Engel	Kruse	Preister	Thompson
Brown	Erdman	Landis	Price	Tyson
Burling	Foley	Louden	Quandahl	Vrtiska
Byars	Friend	Maxwell	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 3:

Hudkins Jensen Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to water; to amend sections 46-606, 46-1233.01, 71-5301, 71-5303, 71-5304, and 71-5309, Revised Statutes Supplement, 2002; to change provisions relating to water well seals, water well registration fees, public water systems, and public water system operators; to define a term; to provide powers and duties; 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	Combs	Johnson	Pedersen, Dw.	Stuthman
Baker	Connealy	Jones	Pederson, D.	Synowiecki
Beutler	Cudaback	Kremer	Preister	Thompson
Bourne	Cunningham	Kruse	Price	Tyson
Brashear	Engel	Landis	Quandahl	Vrtiska
Bromm	Erdman	Louden	Raikes	Wehrbein
Brown	Foley	Maxwell	Redfield	
Burling	Friend	McDonald	Schimek	
Byars	Hartnett	Mines	Schrock	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Excused and not voting, 3:

Hudkins Jensen Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 31A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, Ninety-eighth Legislature, First Session, 2003.

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	Combs	Janssen	Mossey	Schrock
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Tyson
Bromm	Erdman	Louden	Quandahl	Vrtiska
Burling	Foley	Maxwell	Raikes	Wehrbein
Byars	Friend	McDonald	Redfield	
Chambers	Hartnett	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Brown	Landis	Thompson

Excused and not voting, 3:

Hudkins	Jensen	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 45.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5709 and 71-5713, Reissue Revised Statutes of Nebraska; to change duties of persons in charge of public places; to change provisions relating to enforcement of the act; to provide for reporting of 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, 43:

Aguilar	Combs	Janssen	Mines	Schimek
Baker	Connealy	Johnson	Mossey	Schrock
Beutler	Cudaback	Jones	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Kremer	Pederson, D.	Stuthman
Bromm	Engel	Kruse	Preister	Thompson
Brown	Erdman	Landis	Price	Vrtiska
Burling	Foley	Louden	Quandahl	Wehrbein
Byars	Friend	Maxwell	Raikes	
Chambers	Hartnett	McDonald	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Bourne Synowiecki Tyson

Excused and not voting, 3:

Hudkins Jensen Smith

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.

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-6,109, 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.

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	Mines	Schrock
Baker	Combs	Janssen	Mossey	Stuhr
Beutler	Connealy	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cudaback	Jones	Pederson, D.	Synowiecki
Brashear	Cunningham	Kremer	Preister	Thompson
Bromm	Engel	Kruse	Price	Tyson
Brown	Erdman	Louden	Quandahl	Vrtiska
Burling	Foley	Maxwell	Raikes	Wehrbein
Byars	Friend	McDonald	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 4:

Hudkins	Jensen	Landis	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 53.

A BILL FOR AN ACT relating to schools; to amend section 79-1241, Revised Statutes Supplement, 2002; to change provisions relating to core services funds 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	Janssen	Mossey	Schrock
Baker	Combs	Johnson	Pedersen, Dw.	Stuhr
Beutler	Connealy	Jones	Pederson, D.	Stuthman
Bourne	Cudaback	Kremer	Preister	Synowiecki
Brashear	Cunningham	Kruse	Price	Thompson
Bromm	Engel	Louden	Quandahl	Tyson
Brown	Foley	Maxwell	Raikes	Vrtiska
Burling	Friend	McDonald	Redfield	Wehrbein
Byars	Hartnett	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 4:

Hudkins	Jensen	Landis	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 54. With Emergency.

A BILL FOR AN ACT relating to foster care; to amend section 71-1904, Revised Statutes Supplement, 2002; to eliminate and provide for waiver of training requirements 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, 41:

Aguilar	Combs	Janssen	Pedersen, Dw.	Stuthman
Baker	Connealy	Johnson	Pederson, D.	Thompson
Beutler	Cudaback	Jones	Preister	Tyson
Bourne	Cunningham	Kremer	Price	Vrtiska
Brashear	Engel	Louden	Quandahl	Wehrbein
Bromm	Erdman	Maxwell	Redfield	
Brown	Foley	McDonald	Schimek	
Burling	Friend	Mines	Schrock	
Byars	Hartnett	Mossey	Stuhr	

Voting in the negative, 2:

Kruse Raikes

Present and not voting, 2:

Chambers Synowiecki

Excused and not voting, 4:

Hudkins Jensen Landis 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.

LEGISLATIVE BILL 54A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Ninety-eighth Legislature, First Session, 2003; to reduce an appropriation; 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	Conneally	Johnson	Mossey	Schimek
Baker	Cunningham	Jones	Pedersen, Dw.	Schrock
Beutler	Engel	Kremer	Pederson, D.	Stuhr
Brashear	Erdman	Kruse	Preister	Stuthman
Bromm	Foley	Louden	Price	Thompson
Burling	Friend	Maxwell	Quandahl	Tyson
Byars	Hartnett	McDonald	Raikes	Vrtiska
Combs	Janssen	Mines	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 5:

Bourne	Brown	Chambers	Cudaback	Synowiecki

Excused and not voting, 4:

Hudkins	Jensen	Landis	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.

LEGISLATIVE BILL 55.

A BILL FOR AN ACT relating to public health; to amend sections 71-507, 71-510, and 71-511, Revised Statutes Supplement, 2002; to include public safety officials in disease exposure 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, 43:

Aguilar	Combs	Janssen	Mossey	Stuhr
Baker	Conneally	Johnson	Pederson, D.	Stuthman
Beutler	Cudaback	Jones	Preister	Synowiecki
Bourne	Cunningham	Kremer	Price	Thompson
Brashear	Engel	Kruse	Quandahl	Tyson
Bromm	Erdman	Louden	Raikes	Vrtiska
Brown	Foley	Maxwell	Redfield	Wehrbein
Byars	Friend	McDonald	Schimek	
Chambers	Hartnett	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Burling Pedersen, Dw.

Excused and not voting, 4:

Hudkins Jensen Landis Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 56.

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, 2002; to provide and change powers and duties; to change provisions relating to membership, terms, removal, and meetings; to provide immunity from liability 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, 45:

Aguilar	Chambers	Hartnett	Mines	Schimek
Baker	Combs	Janssen	Mossey	Schrock
Beutler	Connealy	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cudaback	Jones	Pederson, D.	Stuthman
Brashear	Cunningham	Kremer	Preister	Synowiecki
Bromm	Engel	Kruse	Price	Thompson
Brown	Erdman	Louden	Quandahl	Tyson
Burling	Foley	Maxwell	Raikes	Vrtiska
Byars	Friend	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Hudkins Jensen Landis Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.13 and 81-885.17, Revised Statutes Supplement,

2002; to require criminal history record information checks of license applicants; 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	Combs	Jensen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Pederson, D.	Synowiecki
Brashear	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Louden	Quandahl	Vrtiska
Burling	Friend	Maxwell	Raikes	Wehrbein
Byars	Hartnett	McDonald	Redfield	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Cudaback	Schimek

Excused and not voting, 3:

Hudkins	Landis	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 61 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 61.

A BILL FOR AN ACT relating to retirement subdivisions and communities; to amend sections 76-1301, 76-1302, 76-1305 to 76-1310, and 76-1313 to 76-1315, Reissue Revised Statutes of Nebraska, and section 76-1304, Revised Statutes Supplement, 2002; to define and redefine terms; to change filing requirements; to change regulatory provisions; to change and provide penalties; to provide for use of advisory committees; 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	Combs	Janssen	Mossey	Schrock
Beutler	Connealy	Jensen	Pedersen, Dw.	Stuhr
Bourne	Cudaback	Johnson	Pederson, D.	Stuthman
Brashear	Cunningham	Jones	Preister	Synowiecki
Bromm	Engel	Kremer	Price	Thompson
Brown	Erdman	Kruse	Quandahl	Tyson
Burling	Foley	Louden	Raikes	Vrtiska
Byars	Friend	Maxwell	Redfield	Wehrbein
Chambers	Hartnett	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Aguilar Mines

Excused and not voting, 3:

Hudkins Landis 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 94 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to wastewater; to amend section 81-3453, Revised Statutes Supplement, 2002; to adopt the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to provide penalties; 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	Combs	Jensen	Pedersen, Dw.	Stuthman
Baker	Connealy	Johnson	Pederson, D.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Brashear	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Maxwell	Redfield	
Burling	Friend	McDonald	Schimek	
Byars	Hartnett	Mines	Schrock	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 2:

Hudkins 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 94A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 94, Ninety-eighth Legislature, First Session, 2003.

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	Combs	Johnson	Mossey	Schrock
Baker	Connealy	Jones	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Kremer	Pederson, D.	Stuthman
Bourne	Engel	Kruse	Preister	Synowiecki
Brashear	Erdman	Landis	Price	Thompson
Bromm	Friend	Louden	Quandahl	Tyson
Brown	Hartnett	Maxwell	Raikes	Vrtiska
Byars	Janssen	McDonald	Redfield	Wehrbein
Chambers	Jensen	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Burling Cudaback Foley

Excused and not voting, 2:

Hudkins Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 102.

A BILL FOR AN ACT relating to motor vehicle titles; to amend section 60-106, Revised Statutes Supplement, 2002; to authorize a fee by the Nebraska State Patrol for processing and approving certain inspections; 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	Mines	Schimek
Baker	Combs	Janssen	Mossey	Schrock
Beutler	Connealy	Jensen	Pedersen, Dw.	Stuhr
Bourne	Cudaback	Johnson	Pederson, D.	Stuthman
Brashear	Cunningham	Jones	Preister	Synowiecki
Bromm	Engel	Landis	Price	Thompson
Brown	Erdman	Louden	Quandahl	Tyson
Burling	Foley	Maxwell	Raikes	Vrtiska
Byars	Friend	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Kremer Kruse

Excused and not voting, 2:

Hudkins Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 102A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 102, Ninety-eighth Legislature, First Session, 2003.

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	Mines	Schrock
Baker	Combs	Jensen	Mossey	Stuhr
Beutler	Connealy	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Pederson, D.	Thompson
Brashear	Engel	Kremer	Price	Tyson
Bromm	Erdman	Landis	Quandahl	Vrtiska
Brown	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 4:

Cudaback	Kruse	Preister	Synowiecki

Excused and not voting, 2:

Hudkins	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 107. With Emergency.

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; 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, 44:

Aguilar	Connealy	Jensen	Mines	Schrock
Baker	Cudaback	Johnson	Mossey	Stuhr
Beutler	Cunningham	Jones	Pedersen, Dw.	Stuthman
Bourne	Engel	Kremer	Pederson, D.	Synowiecki
Bromm	Erdman	Kruse	Preister	Thompson
Brown	Foley	Landis	Price	Tyson
Burling	Friend	Louden	Quandahl	Vrtiska
Byars	Hartnett	Maxwell	Raikes	Wehrbein
Combs	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Chambers	Redfield

Excused and not voting, 2:

Hudkins	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.

LEGISLATIVE BILL 114.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-114.03, Reissue Revised Statutes of Nebraska; to provide for electronic presentation of reports to the Legislature; 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	Combs	Jensen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Jones	Pederson, D.	Synowiecki
Bourne	Cunningham	Kremer	Preister	Thompson
Brashear	Engel	Kruse	Price	Tyson
Bromm	Erdman	Landis	Quandahl	Vrtiska
Brown	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to medical tests; to amend sections 71-1,104.01 and 71-519, Revised Statutes Supplement, 2002; to change provisions relating to genetic testing and metabolic disease testing; 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	Combs	Janssen	McDonald	Schrock
Baker	Connealy	Jensen	Mines	Stuhr
Beutler	Cudaback	Johnson	Mossey	Stuthman
Bourne	Cunningham	Jones	Pedersen, Dw.	Synowiecki
Bromm	Engel	Kremer	Pederson, D.	Thompson
Brown	Erdman	Kruse	Preister	Tyson
Burling	Foley	Landis	Quandahl	Vrtiska
Byars	Friend	Louden	Redfield	Wehrbein
Chambers	Hartnett	Maxwell	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Brashear Price Raikes

Excused and not voting, 2:

Hudkins Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 127.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2602, Reissue Revised Statutes of Nebraska; to eliminate a restriction on conducting business as a financial institution; 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	Combs	Jensen	Mines	Stuhr
Baker	Connealy	Johnson	Mossey	Stuthman
Bourne	Cudaback	Jones	Pedersen, Dw.	Synowiecki
Brashear	Cunningham	Kremer	Pederson, D.	Thompson
Bromm	Engel	Kruse	Preister	Tyson
Brown	Erdman	Landis	Price	Vrtiska
Burling	Foley	Louden	Quandahl	Wehrbein
Byars	Friend	Maxwell	Raikes	
Chambers	Hartnett	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Janssen	Redfield	Schrock

Excused and not voting, 2:

Hudkins	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 128 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 128.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 3-103, 3-104, 3-309, 3-416, 3-417, 4-207, and 4-208, Uniform Commercial Code; to change provisions relating to negotiable instruments and warranties and to define a term; 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	Combs	Jensen	Mines	Schimek
Baker	Connealy	Johnson	Mossey	Schrock
Beutler	Cudaback	Jones	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Kremer	Pederson, D.	Synowiecki
Brashear	Engel	Kruse	Preister	Thompson
Bromm	Erdman	Landis	Price	Tyson
Brown	Foley	Louden	Quandahl	Vrtiska
Burling	Friend	Maxwell	Raikes	Wehrbein
Byars	Janssen	McDonald	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Hartnett	Stuthman

Excused and not voting, 2:

Hudkins	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 130 with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to trusts; to amend sections 8-2202 to 8-2205, 8-2209 to 8-2211, 21-20,168, 25-2705, 25-2708, 30-2202, 30-2208, 30-2210 to 30-2212, 30-2214, 30-2222, 30-2352, 30-24,111, 30-2801 to 30-2803, 30-2805, 49-1544, 76-2004, and 76-2006, Reissue Revised Statutes of Nebraska, and sections 8-201, 12-1107, 24-517, 25-1901, 25-2728, 30-1601, 30-2464, 30-2628, 30-2637, 30-2646, 30-3119, 30-3201, 30-3205, 30-3508, and 30-3701 to 30-3706, Revised Statutes Supplement, 2002; to adopt the Nebraska Uniform Trust Code; to transfer and eliminate provisions of the Nebraska Uniform Prudent Investor Act; to eliminate the Nebraska Trustees' Powers Act and other provisions relating to trusts; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 8-2201, 8-2206 to 8-2208, 8-2212, 8-2213, 30-239, 30-240, 30-2804, 30-2806 to 30-2812, 30-2814 to 30-2818, and 30-2820 to 30-2826, Reissue Revised

Statutes of Nebraska, and sections 30-2813 and 30-2819, Revised Statutes Supplement, 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	Combs	Johnson	Pedersen, Dw.	Stuthman
Baker	Connealy	Jones	Pederson, D.	Synowiecki
Beutler	Cudaback	Kremer	Preister	Thompson
Bourne	Cunningham	Kruse	Price	Tyson
Brashear	Erdman	Landis	Quandahl	Vrtiska
Bromm	Foley	Louden	Raikes	Wehrbein
Brown	Friend	Maxwell	Redfield	
Burling	Hartnett	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	
Chambers	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 2:

Hudkins 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 138.

A BILL FOR AN ACT relating to the Uniform Anatomical Gift Act; to amend section 71-4802, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility and consent to make gifts 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, 46:

Aguilar	Conneally	Johnson	Pedersen, Dw.	Stuthman
Baker	Cudaback	Jones	Pederson, D.	Synowiecki
Beutler	Cunningham	Kremer	Preister	Thompson
Bourne	Engel	Kruse	Price	Tyson
Brashear	Erdman	Landis	Quandahl	Vrtiska
Bromm	Foley	Louden	Raikes	Wehrbein
Brown	Friend	Maxwell	Redfield	
Burling	Hartnett	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Hudkins Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 142.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2033, Reissue Revised Statutes of Nebraska; to provide powers and duties; 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	Combs	Jensen	Mossey	Stuhr
Baker	Conneally	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Jones	Pederson, D.	Synowiecki
Bourne	Cunningham	Kremer	Preister	Thompson
Brashear	Engel	Kruse	Price	Tyson
Bromm	Erdman	Landis	Quandahl	Vrtiska
Brown	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 150.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-15,141, Revised Statutes Supplement, 2002; to change an audit report filing requirement; to provide a penalty; 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	Combs	Jensen	Mossey	Stuthman
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Pederson, D.	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Brashear	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Louden	Redfield	
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Janssen	Mines	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 2:

Hudkins 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 157 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to agriculture; to amend section 2-4324, Reissue Revised Statutes of Nebraska, and sections 2-2624, 2-2646, and 81-2,162.27, Revised Statutes Supplement, 2002; to redefine pesticide terms and change pesticide provisions; to eliminate a fund; to change funding provisions as prescribed; 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	Combs	Jensen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Jones	Pederson, D.	Synowiecki
Bourne	Cunningham	Kremer	Preister	Thompson
Brashear	Engel	Kruse	Price	Tyson
Bromm	Erdman	Landis	Quandahl	Vrtiska
Brown	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins 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 158 with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 158. With Emergency.

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 adopt the Scrapie

Control and Eradication Act; to create a fund; to provide penalties; to change and eliminate provisions relating to the Pseudorabies Control and Eradication Act; to provide operative dates; 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.

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	Johnson	Pedersen, Dw.	Stuthman
Baker	Cudaback	Jones	Pederson, D.	Synowiecki
Beutler	Cunningham	Kremer	Preister	Thompson
Bourne	Engel	Kruse	Price	Tyson
Brashear	Erdman	Landis	Quandahl	Vrtiska
Bromm	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 2:

Hudkins 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 161 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 161. With Emergency.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-183, 89-185, 89-186, 89-187.02, and 89-188, Reissue Revised Statutes of Nebraska, and sections 89-187 and 89-1,100, Revised Statutes

Supplement, 2002; to change provisions relating to standards, regulations, and fees; to redefine terms; 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, 40:

Aguilar	Combs	Hartnett	McDonald	Raikes
Beutler	Connealy	Jensen	Mines	Redfield
Bourne	Cudaback	Jones	Mossey	Schrock
Brashear	Cunningham	Kremer	Pedersen, Dw.	Stuhr
Bromm	Engel	Kruse	Pederson, D.	Synowiecki
Brown	Erdman	Landis	Preister	Thompson
Byars	Foley	Louden	Price	Tyson
Chambers	Friend	Maxwell	Quandahl	Wehrbein

Voting in the negative, 4:

Baker	Janssen	Stuthman	Vrtiska

Present and not voting, 3:

Burling	Johnson	Schimek

Excused and not voting, 2:

Hudkins	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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 164.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,149, Reissue Revised Statutes of Nebraska, and section 81-15,153, Revised Statutes Supplement, 2002; to change provisions relating to the Wastewater Treatment Facilities Construction Assistance Act; to redefine a term; to provide for and change provisions relating to grants to municipalities; 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	Combs	Jensen	Mossey	Schrock
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Erdman	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Janssen	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Burling	Foley	McDonald

Excused and not voting, 2:

Hudkins	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 164A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 164, Ninety-eighth Legislature, First Session, 2003.

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	Combs	Johnson	Mossey	Stuhr
Baker	Connealy	Jones	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Kremer	Pederson, D.	Synowiecki
Bourne	Engel	Kruse	Preister	Thompson
Bromm	Erdman	Landis	Price	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Janssen	McDonald	Schimek	
Chambers	Jensen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Cudaback	Foley	Quandahl

Excused and not voting, 2:

Hudkins	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 181.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to amend sections 32-571, 32-618, and 85-103, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-572, Revised Statutes Supplement, 2002; to provide for filling vacancies on the board; to change provisions relating to petition signature requirements; 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	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 185.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-507, 60-513, 60-695, and 60-699, Reissue Revised Statutes of Nebraska; to change reporting and security requirements 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, 46:

Aguilar	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Baker	Cunningham	Jones	Pederson, D.	Synowiecki
Beutler	Engel	Kremer	Preister	Thompson
Bourne	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Brown	Friend	Louden	Raikes	Wehrbein
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 2:

Brashear Connealy

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 194.

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Board; to amend section 48-1623, Revised Statutes Supplement, 2002; to change provisions relating to members; 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	Cudaback	Jensen	Mines	Schimek
Baker	Cunningham	Johnson	Mossey	Schrock
Beutler	Engel	Jones	Pedersen, Dw.	Stuhr
Brown	Erdman	Kremer	Pederson, D.	Stuthman
Burling	Foley	Kruse	Preister	Synowiecki
Byars	Friend	Landis	Price	Thompson
Chambers	Hartnett	Louden	Quandahl	Tyson
Combs	Hudkins	Maxwell	Raikes	Vrtiska
Connealy	Janssen	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Bourne	Brashear	Bromm

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 195.

A BILL FOR AN ACT relating to employment security law; to amend section 48-606, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; 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	Jensen	Pedersen, Dw.	Stuthman
Baker	Cudaback	Johnson	Pederson, D.	Synowiecki
Beutler	Cunningham	Jones	Preister	Thompson
Bourne	Engel	Kremer	Price	Tyson
Bromm	Erdman	Kruse	Quandahl	Vrtiska
Brown	Foley	Landis	Raikes	Wehrbein
Burling	Friend	Louden	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 2:

Brashear Maxwell

Excused and not voting, 1:

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 199 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 199.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-603.01 and 48-604, Revised Statutes Supplement, 2002; to change provisions relating to Indian tribe payments and services performed by election workers and persons committed to penal or custodial institutions; to redefine a term; 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	Johnson	Pedersen, Dw.	Stuthman
Baker	Cudaback	Jones	Pederson, D.	Synowiecki
Beutler	Cunningham	Kremer	Preister	Thompson
Bourne	Engel	Kruse	Price	Tyson
Bromm	Erdman	Landis	Quandahl	Vrtiska
Brown	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 2:

Brashear Jensen

Excused and not voting, 1:

Smith

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 205.

A BILL FOR AN ACT relating to liquor control; to amend sections 53-123.02 and 53-123.03, Reissue Revised Statutes of Nebraska, and section 53-1,104, Revised Statutes Supplement, 2002; to change provisions relating to sampling; to change penalty 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, 41:

Aguilar	Connealy	Janssen	Mines	Stuthman
Baker	Cudaback	Johnson	Mossey	Synowiecki
Beutler	Cunningham	Jones	Pedersen, Dw.	Thompson
Bourne	Engel	Kremer	Preister	Tyson
Bromm	Erdman	Kruse	Quandahl	Wehrbein
Brown	Foley	Landis	Raikes	
Burling	Friend	Louden	Redfield	
Byars	Hartnett	Maxwell	Schrock	
Combs	Hudkins	McDonald	Stuhr	

Voting in the negative, 0.

Present and not voting, 7:

Brashear	Jensen	Price	Vrtiska
Chambers	Pederson, D.	Schimek	

Excused and not voting, 1:

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 218 with 37 ayes, 3 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 218.

A BILL FOR AN ACT relating to loans; to amend sections 45-705, 45-706, 45-709, 45-710, 45-711, 45-714, 45-715, 45-716, and 45-717.01, Reissue Revised Statutes of Nebraska, and sections 45-702, 45-704, 45-707, 45-1007, 45-1024, 45-1025, 45-1033, 45-1066, 76-252, and 76-1014.01, Revised Statutes Supplement, 2002; 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.

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	Cudaback	Johnson	Mossey	Schrock
Baker	Cunningham	Jones	Pedersen, Dw.	Stuhr
Bourne	Engel	Kremer	Pederson, D.	Stuthman
Brashear	Erdman	Kruse	Preister	Synowiecki
Bromm	Foley	Landis	Price	Thompson
Burling	Friend	Louden	Quandahl	Tyson
Byars	Hudkins	Maxwell	Raikes	Wehrbein
Combs	Janssen	McDonald	Redfield	
Connealy	Jensen	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Brown	Chambers	Hartnett	Vrtiska

Excused and not voting, 1:

Smith

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 219. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3745 and 2-3748, Reissue Revised Statutes of Nebraska; to change provisions relating to the Dry Bean Commission; 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	Combs	Hudkins	McDonald	Redfield
Baker	Connealy	Janssen	Mines	Schimek
Beutler	Cudaback	Jensen	Mossey	Schrock
Bourne	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Brashear	Engel	Kremer	Pederson, D.	Stuthman
Bromm	Erdman	Kruse	Preister	Synowiecki
Burling	Foley	Landis	Price	Thompson
Byars	Friend	Louden	Quandahl	Tyson
Chambers	Hartnett	Maxwell	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Brown	Jones	Vrtiska

Excused and not voting, 1:

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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 30, 30A, 31, 31A, 45, 52, 53, 54, 54A, 55, 56, 60, 61, 94, 94A, 102, 102A, 107, 114, 119, 127, 128, 130, 138, 142, 150, 157, 158, 161, 164, 164A, 181, 185, 194, and 195.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 222.

A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1721, 23-1723, 23-1723.01, 23-1725 to 23-1727, 23-1729 to 23-1732, 23-1734, and 23-1736, Reissue Revised Statutes of Nebraska; to restate purposes of and change provisions for sheriff's office merit commissions; to provide procedures for grievances as prescribed; to change provisions relating to prohibitions on political activity; to eliminate certain conditions of employment; to harmonize provisions; to repeal the original sections; and to outright repeal section 23-1737, 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	Connealy	Janssen	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Bourne	Cunningham	Johnson	Mossey	Stuhr
Brashear	Engel	Jones	Pedersen, Dw.	Stuthman
Bromm	Erdman	Kremer	Preister	Synowiecki
Brown	Foley	Kruse	Price	Thompson
Byars	Friend	Landis	Quandahl	Tyson
Chambers	Hartnett	Louden	Raikes	Wehrbein
Combs	Hudkins	Maxwell	Redfield	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Burling	Pederson, D.	Vrtiska

Excused and not voting, 1:

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 228 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 228.

A BILL FOR AN ACT relating to domestic violence; to amend sections 32-331 and 84-907.03, Reissue Revised Statutes of Nebraska, and sections

60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2002; to adopt the Address Confidentiality Act; to provide a penalty; to change provisions relating to absentee voter, motor vehicle operator's license, and state identification card address confidentiality; to change provisions relating to use of a fund; 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	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Stuhr
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Pederson, D.	Synowiecki
Brashear	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Landis	Quandahl	Wehrbein
Burling	Friend	Louden	Raikes	
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 1:

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 228A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 228, Ninety-eighth Legislature, First Session, 2003.

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	Combs	Jensen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Wehrbein
Brown	Friend	Louden	Raikes	
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Vrtiska

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 234.

A BILL FOR AN ACT relating to public assistance; to provide for an administrative disqualification process for certain programs as prescribed; to provide penalties; and to provide an operative date.

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	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Brashear Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 234, Ninety-eighth Legislature, First Session, 2003.

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	Conneally	Jensen	Pedersen, Dw.	Stuthman
Baker	Cudaback	Johnson	Pederson, D.	Synowiecki
Beutler	Cunningham	Jones	Preister	Thompson
Bourne	Engel	Kruse	Price	Tyson
Bromm	Erdman	Landis	Quandahl	Vrtiska
Brown	Foley	Louden	Raikes	Wehrbein
Burling	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 2:

Brashear 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 238 with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 238.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-105, 60-311.16, 60-320, 60-6,162, 60-6,263, and 60-3001, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-6,226, Revised Statutes Supplement, 2002; to provide for the titling, registration, and taxation of kit vehicles and vehicles otherwise assembled; to define and redefine terms; 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	Engel	Jones	Pedersen, Dw.	Stuhr
Baker	Erdman	Kremer	Pederson, D.	Stuthman
Beutler	Foley	Kruse	Preister	Synowiecki
Bromm	Friend	Landis	Price	Thompson
Brown	Hartnett	Louden	Quandahl	Tyson
Byars	Hudkins	Maxwell	Raikes	Vrtiska
Chambers	Janssen	McDonald	Redfield	Wehrbein
Combs	Jensen	Mines	Schimek	
Cudaback	Johnson	Mossey	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Bourne	Burling	Connealy	Cunningham

Excused and not voting, 2:

Brashear	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1559 and 71-4604.01, Revised Statutes Supplement, 2002; to

change provisions for establishing fees for modular housing units, manufactured homes, and recreational vehicles; 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	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Baker	Cunningham	Jones	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Maxwell	Raikes	Vrtiska
Byars	Hartnett	McDonald	Redfield	Wehrbein
Combs	Hudkins	Mines	Schimek	
Connealy	Janssen	Mossey	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Burling	Chambers	Johnson

Excused and not voting, 3:

Brashear	Louden	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 243.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1203, Revised Statutes Supplement, 2002; to change the disposition of fines; to delete obsolete language; 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	Connealy	Janssen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Byars	Friend	Maxwell	Redfield	Wehrbein
Chambers	Hartnett	McDonald	Schimek	
Combs	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Burling	Jensen	Price

Excused and not voting, 3:

Brashear	Louden	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 257.

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.

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	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Maxwell	Raikes	Vrtiska
Byars	Hartnett	McDonald	Redfield	Wehrbein
Chambers	Hudkins	Mines	Schimek	
Combs	Janssen	Mossey	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Burling Engel Jensen

Excused and not voting, 3:

Brashear Louden Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 273.

A BILL FOR AN ACT relating to animals; to amend sections 28-1005, 28-1008, and 28-1013 to 28-1016, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-1009, Revised Statutes Supplement, 2002; to define terms; to require reporting of animal abandonment, neglect, or mistreatment as prescribed; to provide a penalty; to change penalties relating to pitting an animal against another and abandoning, neglecting, or mistreating an animal 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, 45:

Aguilar	Connealy	Janssen	Mines	Schimek
Baker	Cudaback	Johnson	Mossey	Schrock
Beutler	Cunningham	Jones	Pedersen, Dw.	Stuhr
Bourne	Engel	Kremer	Pederson, D.	Stuthman
Bromm	Erdman	Kruse	Preister	Synowiecki
Brown	Foley	Landis	Price	Thompson
Byars	Friend	Louden	Quandahl	Tyson
Chambers	Hartnett	Maxwell	Raikes	Vrtiska
Combs	Hudkins	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Burling Jensen

Excused and not voting, 2:

Brashear Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-625, 54-626, and 54-627, Revised Statutes Supplement, 2002; to require licensure of pet shops; to require the provision of dog and cat neutering and other information; to require neutering and spaying as prescribed; to define and redefine terms; to provide requirements for commercial breeders and primary enclosures 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, 44:

Aguilar	Connealy	Johnson	Mossey	Schrock
Baker	Cudaback	Jones	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Kremer	Pederson, D.	Stuthman
Bourne	Engel	Kruse	Preister	Synowiecki
Bromm	Foley	Landis	Price	Thompson
Brown	Friend	Louden	Quandahl	Tyson
Byars	Hartnett	Maxwell	Raikes	Vrtiska
Chambers	Hudkins	McDonald	Redfield	Wehrbein
Combs	Janssen	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Burling	Erdman	Jensen

Excused and not voting, 2:

Brashear	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 804. Placed on General File.

LEGISLATIVE BILL 32. Placed on General File as amended.

Standing Committee amendment to LB 32:

AM0811

- 1 1. Insert the following new sections:
- 2 "Sec. 14. Any municipality, county, or natural resources

- 3 district which establishes a system of storm water management
4 pursuant to sections 18-501 to 18-512 and sections 1 and 10 to 16
5 of this act, which system serves property owned or leased by the
6 State of Nebraska or any entity thereof, but not including
7 political subdivisions, shall bill storm water management fees or
8 use charges attributable to such property to the State of Nebraska.
9 Such fees or charges shall be paid from the General Fund pursuant
10 to appropriation by the Legislature but shall not be charged to the
11 budget of the state entity owning or leasing such property.
12 Sec. 15. Each municipality, county, or natural resources
13 district imposing storm water management fees pursuant to sections
14 18-501 to 18-512 and sections 1 and 10 to 16 of this act may
15 subsidize all or a portion of storm water fees for public
16 properties through an alternative funding source.
17 Sec. 16. Storm water management fees imposed pursuant to
18 sections 18-501 to 18-512 and sections 1 and 10 to 16 of this act
19 shall be charged based upon a unit which is generally equivalent to
20 the square footage of impervious surface area of the average
21 single-family residential home as estimated by each municipality,
22 county, or natural resources district. Beginning on the date that
23 any municipality, county, or natural resources district collecting
24 storm water management fees implements such a fee and continuing
1 through the fifth year of such implementation, the maximum storm
2 water management fee per unit shall not exceed fifty dollars per
3 year. If on the date of implementation the fee is less than the
4 maximum, the rate established for storm water management fees per
5 unit pursuant to such sections shall not in any year exceed by more
6 than six percent the rate of such fees per unit in the previous
7 year."
8 2. On page 2, line 4, strike "13" and insert "16".
9 3. On page 9, line 18, strike "(1)"; and on line 21
10 after "and" insert "required by state law to" and strike "(2)".
11 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendment to LB 237:
AM0570

- 1 1. Strike the original section and insert the following
2 new section:
3 "Section 1. (1) A liquefied petroleum gas customer in
4 this state shall provide written notice to his or her liquefied
5 petroleum gas supplier of any installation, modification, repair,
6 or servicing of his or her liquefied petroleum gas system by any
7 person other than the liquefied petroleum gas supplier.
8 (2) A retailer, handler, wholesaler, or transporter
9 engaged in this state in the business of selling liquefied
10 petroleum gas at retail or in the business of handling or
11 transporting liquefied petroleum gas over the highways of this
12 state, and any employees thereof, shall not be liable for damages

13 for injury to persons or property that result from any occurrence
14 caused by the installation, modification, repair, or servicing of a
15 liquefied petroleum gas system by any other person unless the
16 retailer, handler, wholesaler, or transporter had inspected the
17 system prior to the system being placed back into service.
18 (3)(a) The liability limitation in subsection (2) of this
19 section applies only if the liquefied petroleum gas customer had
20 notice of this section. Notice shall be provided by mailing a
21 notice as described in subdivision (b) of this subsection to the
22 liquefied petroleum gas customer by a retailer, handler,
23 wholesaler, or transporter engaged in this state in the business of
24 selling liquefied petroleum gas at retail or in the business of
1 handling or transporting liquefied petroleum gas over the highways
2 of this state.
3 (b) The form of the notice shall be developed by the
4 Propane Education and Research Council and distributed by the
5 council to all Nebraska liquefied petroleum gas retailers,
6 handlers, wholesalers, and transporters. The notice shall include
7 the statutory reference to this section as well as a description of
8 the law and any additional information the council believes
9 necessary.".

LEGISLATIVE BILL 89. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 320. Placed on General File as amended.
Standing Committee amendment to LB 320:
AM0805

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 24-703, Revised Statutes Supplement,
4 2002, is amended to read:
5 24-703. (1) Each original member shall contribute
6 monthly four percent of his or her monthly compensation to the fund
7 until the maximum benefit as limited in subsection (1) of section
8 24-710 has been earned. It shall be the duty of the Director of
9 Administrative Services in accordance with subsection (10) of this
10 section to make a deduction of four percent on the monthly payroll
11 of each original member who is a judge of the Supreme Court, a
12 judge of the Court of Appeals, a judge of the district court, a
13 judge of a separate juvenile court, a judge of the county court, a
14 clerk magistrate of the county court who was an associate county
15 judge and a member of the fund at the time of his or her
16 appointment as a clerk magistrate, or a judge of the Nebraska
17 Workers' Compensation Court showing the amount to be deducted and
18 its credit to the fund. The Director of Administrative Services

19 and the State Treasurer shall credit the four percent as shown on
20 the payroll and the amounts received from the various counties to
21 the fund and remit the same to the director in charge of the judges
22 retirement system who shall keep an accurate record of the
23 contributions of each judge.

24 (2)(a) Prior to July 1, 2003, each ~~Each~~ future member
1 shall contribute monthly six percent of his or her monthly
2 compensation to the fund until the maximum benefit as limited in
3 subsection (2) of section 24-710 has been earned. Prior to July 1,
4 2003, any ~~Any~~ time the maximum benefit is changed, a future member
5 who has previously earned the maximum benefit as it existed prior
6 to the change shall contribute monthly six percent of his or her
7 monthly compensation to the fund until the maximum benefit as
8 changed and as limited in subsection (2) of section 24-710 has been
9 earned.

10 (b) Beginning July 1, 2003, and until July 1, 2004, each
11 future member shall contribute monthly seven percent of his or her
12 monthly compensation to the fund until the maximum benefit as
13 limited in subsection (2) of section 24-710 has been earned.
14 Beginning July 1, 2003, and until July 1, 2004, after the maximum
15 benefit as limited in subsection (2) of section 24-710 has been
16 earned, a future member shall contribute monthly two percent of his
17 or her contribution to the fund.

18 (c) On and after July 1, 2004, each future member shall
19 contribute monthly eight percent of his or her monthly compensation
20 to the fund until the maximum benefit as limited in subsection (2)
21 of section 24-710 has been earned. On and after July 1, 2004,
22 after the maximum benefit as limited in subsection (2) of section
23 24-710 has been earned, a future member shall contribute monthly
24 four percent of his or her contribution to the fund.

25 (d) It shall be the duty of the Director of
26 Administrative Services to make a deduction ~~of six percent~~ on the
27 monthly payroll of each such future member who is a judge of the
1 Supreme Court, a judge of the Court of Appeals, a judge of the
2 district court, a judge of a separate juvenile court, a judge of
3 the county court, a clerk magistrate of the county court who was an
4 associate county judge and a member of the fund at the time of his
5 or her appointment as a clerk magistrate, or a judge of the
6 Nebraska Workers' Compensation Court showing the amount to be
7 deducted and its credit to the fund. This shall be done each
8 month. The Director of Administrative Services and the State
9 Treasurer shall credit the ~~six percent amount~~ as shown on the
10 payroll and the amounts received from the various counties to the
11 fund and remit the same to the director in charge of the judges
12 retirement system who shall keep an accurate record of the
13 contributions of each judge.

14 (3) A Nebraska Retirement Fund for Judges fee of ~~one~~
15 ~~dollar~~ four dollars shall be taxed as costs in each civil cause of
16 action, criminal cause of action, traffic misdemeanor or

17 infraction, and city or village ordinance violation filed in the
18 district courts and the county courts. In county courts a sum
19 shall be charged which is equal to ten percent of each fee provided
20 by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges
21 retirement fee shall be charged for filing a report pursuant to
22 sections 33-126.02 and 33-126.06. When collected by the clerk of
23 the district or county court, such fees shall be paid to the
24 director in charge of the judges retirement system on forms
25 prescribed by the board by the clerk within ten days after the
26 close of each calendar quarter. Such director shall promptly
27 thereafter remit the same to the State Treasurer for credit to the
1 fund. No Nebraska Retirement Fund for Judges fee which is
2 uncollectible for any reason shall be waived by a county judge as
3 provided in section 29-2709.

4 (4) All expenditures from the fund shall be authorized by
5 voucher in the manner prescribed in section 24-713. The fund shall
6 be used for the payment of all annuities and other benefits and for
7 the expenses of administration.

8 (5) The fund shall consist of the total fund as of
9 December 25, 1969, the contributions of members as provided in this
10 section, all supplementary court fees as provided in subsection (3)
11 of this section, and any required contributions of the state.

12 (6) Not later than January 1 of each year, the State
13 Treasurer shall transfer to the fund the amount certified by the
14 board as being necessary to pay the cost of any benefits accrued
15 during the fiscal year ending the previous June 30 in excess of
16 member contributions for that fiscal year and court fees as
17 provided in subsection (3) of this section, if any, for that fiscal
18 year plus any required contributions of the state as provided in
19 subsection (9) of this section.

20 (7) Benefits under the retirement system to members or to
21 their beneficiaries shall be paid from the fund.

22 (8) Any member who is making contributions to the fund on
23 December 25, 1969, may, on or before June 30, 1970, elect to become
24 a future member by delivering written notice of such election to
25 the board.

26 (9) Not later than January 1 of each year, the State
27 Treasurer shall transfer to the fund an amount, determined on the
1 basis of an actuarial valuation as of the previous June 30 and
2 certified by the board, to fully fund the unfunded accrued
3 liabilities of the retirement system as of June 30, 1988, by level
4 payments up to January 1, 2000. Such valuation shall be on the
5 basis of actuarial assumptions recommended by the actuary, approved
6 by the board, and kept on file with the board. For the fiscal year
7 beginning July 1, 2002, and each fiscal year thereafter, the
8 actuary for the board shall perform an actuarial valuation of the
9 system using the entry age actuarial cost method. Under this
10 method, the actuarially required funding rate is equal to the
11 normal cost rate, plus the contribution rate necessary to amortize

12 the unfunded actuarial accrued liability on a level payment basis.
13 The normal cost under this method shall be determined for each
14 individual member on a level percentage of salary basis. The
15 normal cost amount is then summed for all members. The initial
16 unfunded actual accrued liability as of July 1, 2002, if any, shall
17 be amortized over a twenty-five-year period. During each
18 subsequent actuarial valuation, changes in the funded actuarial
19 accrued liability due to changes in benefits, actuarial
20 assumptions, the asset valuation method, or actuarial gains or
21 losses shall be measured and amortized over a twenty-five-year
22 period beginning on the valuation date of such change. If the
23 unfunded actuarial accrued liability under the entry age actuarial
24 cost method is zero or less than zero on an actuarial valuation
25 date, then all prior unfunded actuarial accrued liabilities shall
26 be considered fully funded and the unfunded actuarial accrued
27 liability shall be reinitialized and amortized over a
1 twenty-five-year period as of the actuarial valuation date. If the
2 actuarially required contribution rate exceeds the rate of all
3 contributions required pursuant to the Judges Retirement Act, there
4 shall be a supplemental appropriation sufficient to pay for the
5 differences between the actuarially required contribution rate and
6 the rate of all contributions required pursuant to the Judges
7 Retirement Act.

8 (10) The state or county shall pick up the member
9 contributions required by this section for all compensation paid on
10 or after January 1, 1985, and the contributions so picked up shall
11 be treated as employer contributions in determining federal tax
12 treatment under the Internal Revenue Code as defined in section
13 49-801.01, except that the state or county shall continue to
14 withhold federal income taxes based upon these contributions until
15 the Internal Revenue Service or the federal courts rule that,
16 pursuant to section 414(h) of the code, these contributions shall
17 not be included as gross income of the member until such time as
18 they are distributed or made available. The state or county shall
19 pay these member contributions from the same source of funds which
20 is used in paying earnings to the member. The state or county
21 shall pick up these contributions by a compensation deduction
22 through a reduction in the compensation of the member. Member
23 contributions picked up shall be treated for all purposes of the
24 Judges Retirement Act in the same manner and to the extent as
25 member contributions made prior to the date picked up.

26 Sec. 2. Original section 24-703, Revised Statutes
27 Supplement, 2002, is repealed.

1 Sec. 3. Since an emergency exists, this act takes effect
2 when passed and approved according to law."

LEGISLATIVE BILL 134. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 523. Placed on General File.

LEGISLATIVE BILL 745. Placed on General File as amended.

Standing Committee amendment to LB 745:

AM0806

- 1 1. On page 3, line 12, strike "paramount"; and in line
- 2 22 after the period insert "The policy stated in this section does
- 3 not mandate any specific actions or create liability for any act or
- 4 omission by any state department, agency, institution, committee,
- 5 court, or commission in their effort to apply this policy."
- 6 2. On page 4, lines 6 and 8, strike "shall" and insert
- 7 "may".

LEGISLATIVE BILL 550. Indefinitely postponed.

LEGISLATIVE BILL 551. Indefinitely postponed.

LEGISLATIVE BILL 603. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Urban Affairs

LEGISLATIVE BILL 790. Placed on General File as amended.

Standing Committee amendment to LB 790:

AM0809

- 1 1. Insert the following new sections:
- 2 "Sec. 3. The commission shall have full power,
- 3 authority, and jurisdiction to supervise and control public
- 4 utilities and may do all things necessary and convenient for the
- 5 exercise of such power, authority, and jurisdiction. Such power,
- 6 authority, and jurisdiction shall extend to, but not be limited to,
- 7 all matters encompassed within the State Natural Gas Regulation Act
- 8 and sections 57-1301 to 57-1307.
- 9 Sec. 65. For purposes of this section and section 66 of
- 10 this act, unless the context otherwise requires:
- 11 (1) Aggregator means a person who combines retail end
- 12 users into a group and arranges for the acquisition of competitive
- 13 natural gas services without taking title to those services; and
- 14 (2)(a) Competitive natural gas provider means a person
- 15 who takes title to natural gas and sells it for consumption by a
- 16 retail end user. Competitive natural gas provider includes an
- 17 affiliate of a public utility.
- 18 (b) Competitive natural gas provider does not include the
- 19 following:
- 20 (i) A public utility which is subject to regulation under
- 21 the State Natural Gas Regulation Act; or
- 22 (ii) A municipally owned or operated natural gas utility

23 or metropolitan utilities district in territories in which it is
24 not otherwise subject to the jurisdiction of the commission.

1 Sec. 66. (1) The commission shall certify all
2 competitive natural gas providers and aggregators providing natural
3 gas services. In an application for certification, a competitive
4 natural gas provider or aggregator shall reasonably demonstrate
5 managerial, technical, and financial capability sufficient to
6 obtain and deliver the services such provider or aggregator
7 proposes to offer. The commission may establish reasonable
8 conditions or restrictions on the certificate at the time of
9 issuance. The commission shall adopt and promulgate rules and
10 regulations to establish specific criteria for certification. The
11 commission shall make a determination on an application for
12 certification within ninety days after its submission unless the
13 commission determines that additional time is necessary to consider
14 the application. If the commission determines that additional time
15 is necessary to consider the application, the commission may extend
16 the time for making a determination for an additional sixty days.

17 (2) The commission may resolve disputes involving the
18 provision of natural gas services by a competitive natural gas
19 provider or aggregator.

20 (3) The commission shall allocate the costs and expenses
21 reasonably attributable to certification and dispute resolution as
22 authorized in this section to persons identified as parties to such
23 proceeding who are engaged in or who seek to engage in providing
24 natural gas services or other persons identified as participants in
25 such proceeding. The funds received for the costs and expenses of
26 certification and dispute resolution shall be remitted to the State
27 Treasurer for credit to the Natural Gas Regulation Fund."

1 2. On page 2, line 1, strike "63" and insert "66";
2 strike beginning with "Public" in line 12 through the period in
3 line 16 and insert "Public utility does not mean a municipally
4 owned or operated natural gas utility or metropolitan utilities
5 district (a) within the corporate limits of such municipality or
6 within the boundaries of the district and (b) within any area
7 outside such corporate limits or district boundaries where
8 customers of the municipal utility or utilities district receive
9 natural gas service from the municipal utility or utilities
10 district at the same rates and upon the same terms and conditions
11 as customers within the corporate limits of the municipality or
12 boundaries of the utilities district."; and in line 21 after
13 "system" insert "or interstate pipeline".

14 3. On page 3, line 2, after "system" insert "or
15 interstate pipeline"; in line 6 strike "and"; and in line 7 after
16 the second "Commission" insert "; and

17 (5) Interstate pipeline means any corporation, company,
18 individual, or association of persons or their trustees, lessees,
19 or receivers that now or hereafter are engaged in natural gas
20 transportation subject to the jurisdiction of the Federal Energy

21 Regulatory Commission under the federal Natural Gas Act, 15 U.S.C.
22 717 et seq., as such act existed on the operative date of this
23 act.".
24 4. Renumber the remaining sections and correct internal
25 references accordingly.

(Signed) D. Paul Hartnett, Chairperson

Revenue

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendment to LB 447:
AM0817

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act becomes operative on October 1,
- 3 2003."
- 4 2. On page 2, line 16, after the second "Act" insert "so
- 5 long as all entities participating in the joint agency or joint
- 6 public agency would be exempt from sales tax on purchases made for
- 7 the same purposes as those carried out by the joint entity or joint
- 8 public agency".
- 9 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 580. Placed on General File as amended.
Standing Committee amendment to LB 580:
AM0818

- 1 1. On page 3, line 18, strike "2005" and insert "2007".
- 2 2. On page 5, line 2, strike "The credit may be taken",
- 3 show as stricken, and insert "For purposes of earning the credit
- 4 provided in subsection (2) of this section, costs may be incurred";
- 5 in lines 5 and 6 strike "credit may be taken", show as stricken,
- 6 and insert "costs may be incurred"; and in line 7 strike "a credit
- 7 was taken", show as stricken, and insert "costs were incurred".
- 8 3. On page 7, line 2, strike "second" and insert
- 9 "fourth"; and in line 4 strike "twenty-fourth" and insert
- 10 "forty-eighth".

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 48. Introduced by Thompson, 14.

WHEREAS, the Nebraska State Swimming Championship was held at the Bob Devaney Sports Center on February 27th thru March 1st; and

WHEREAS, the Papillion-La Vista boys' swimming team won its first ever State Championship on March 1, 2003; and

WHEREAS, Head Coach Lynn Weaver has been the only head coach of the Papillion-La Vista boys' swimming team in its twenty-seven years of

existence; and

WHEREAS, Coach Weaver and the members of the Papillion-La Vista boys' swimming team achieved this exceptional accomplishment through their hard work, determination, and commitment to excellence.

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

1. That the Legislature recognizes and congratulates the coaches and members of the 2002 Papillion-La Vista Monarchs boys' swimming team for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-La Vista boys' swimming team and Head Coach Lynn Weaver.

Laid over.

AMENDMENTS - Print in Journal

Senator Engel filed the following amendment to LB 259:
AM0815

(Amendments to Final Reading copy)

1. 1. Insert the following new section:
2. "Section 1. Section 74-1336, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 74-1336. (1) Whenever a complaint is filed in writing
- 5 with the Department of Roads by the duly authorized officers of any
- 6 incorporated village or city or by the owner or operator of any
- 7 railroad track, relative to any crossing within ~~such the affected~~
- 8 village or city, praying for relief from the matters complained of,
- 9 the department shall hold a hearing and shall make such order as
- 10 the facts warrant. The findings of the department, subject to the
- 11 right of appeal, shall be binding on the parties to the suit.
- 12 (2) The department shall adopt and promulgate rules and
- 13 regulations for the construction, repair, and maintenance of all
- 14 crossings, both public and private, across, over, and under all
- 15 railroads within the corporate limits of any incorporated village
- 16 or city. The rules and regulations shall be substantially the same
- 17 as the rules and regulations under section 74-1332."
- 18 2. On page 1, strike beginning with "light-density" in
- 19 line 1 through line 5 and insert "railroads; to amend sections
- 20 74-1415.04 and 74-1415.05, Reissue Revised Statutes of Nebraska,
- 21 and section 74-1336, Revised Statutes Supplement, 2002; to change
- 22 provisions relating to complaints regarding railroad crossings and
- 23 loans by the Nebraska Railway Council for light-density rail lines;
- 1 to provide for rules and regulations relating to railroad
- 2 crossings; and to repeal the original sections."
- 3 3. On page 2, line 25, after the comma insert "and
- 4 section 74-1336, Revised Statutes Supplement, 2002,".
- 5 4. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 216:

AM0820

(Amendments to Second Final Reading copy)

- 1 1. On page 53, line 15, strike "may" and insert "shall"
- 2 and strike "at any" and insert "within a reasonable".
- 3 2. On page 53, line 25; and page 54, line 6, strike ".
- 4 within thirty days after its receipt".
- 5 3. On page 54, line 3, after "but" insert "with the
- 6 approval of the director"; and strike beginning with "thirty-day"
- 7 in line 8 through "director" in line 10 and insert "filer shall
- 8 furnish the requested information within ninety days".

Senator Beutler filed the following amendment to LB 385:

FA1199

Strike Section 1.

ANNOUNCEMENTS

Senator Connealy designates LB 374 as his priority bill.

Senator Bourne designates LB 655 as his priority bill.

The Business and Labor Committee designates LB 198 as its priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 2003, at 11:35 a.m. were the following: LBs 30e, 30A, 31, 31A, 45, 52, 53, 54e, 54Ae, 55, 56, 60, 61, 94, 94A, 102, 102A, 107e, 114, 119, 127, 128, 130, 138, 142, 150, 157, 158e, 161e, 164, 164A, 181, 185, 194, and 195.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

ANNOUNCEMENT

Senator Baker announced the Transportation and Telecommunications Committee will hold an executive session Monday, March 17, 2003, at 1:30 p.m., in Room 1113.

UNANIMOUS CONSENT - Add Cointroducer

Senator Maxwell asked unanimous consent to have his name added as cointroducer to LB 756. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 199, 205, 218, 219, 222, 228, 228A, 234, 234A, 238, 241, 243, 257, 273, and 274.

VISITORS

Visitors to the Chamber were Nancy Hoch and Erwin Friesen from Nebraska City; Senator Cunningham's parents, Dean and Elda Cunningham, from Wausa; Jeanine Frey and Aspen Domingo from Chadron; 75 fourth-grade students and teachers from Pyrtle Elementary School, Lincoln; Gene Arnold from Trumbull; 35 fourth-grade students and teacher from St. Bernard School, Omaha; and Dale Loschen from Wilcox and Wayne Volk from Bloomington.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Monday, March 17, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 17, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 17, 2003

PRAYER

The prayer was offered by Pastor Neil Vik, Good Samaritan Village, Hastings, 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 Brashear who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 2003, at 12:05 p.m. were the following: LBs 199, 205, 218, 219e, 222, 228, 228A, 234, 234A, 238, 241, 243, 257, 273, and 274.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 49. Introduced by Foley, 29.

WHEREAS, the Lincoln Southeast High School girls' basketball team won the Class A Girls State High School Basketball Tournament Championship with a fifty to forty-five win over Lincoln East High School; and

WHEREAS, the team completed its season with a record of twenty-one wins and four losses; and

WHEREAS, with its title victory, Lincoln Southeast won its eighth state

championship in girls basketball, a Class A record; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Lincoln Southeast High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach John Larsen and Lincoln Southeast High School.

Laid over.

LEGISLATIVE RESOLUTION 50. Introduced by Foley, 29.

WHEREAS, Jonathan Bishop has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Jonathan Bishop is a member of the Boy Scout Troop 54 of the Cathedral of the Risen Christ; and

WHEREAS, in achieving this rank, Jonathan Bishop advanced through five ranks and earned 24 merit badges; and

WHEREAS, for his Eagle Scout project, Jonathan Bishop built a tennis practice wall for the Tierra Neighborhood Park in Lincoln; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Jonathan Bishop 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 Jonathan Bishop on Saturday, April 5, 2003, at Cathedral of the Risen Christ Catholic Church at which time Jonathan will be presented with the Eagle Scout Badge.

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

1. That the Legislature commends Jonathan Bishop for his dedication, perseverance, and hard work in obtaining this distinguished rank.

2. That a copy of this resolution be sent to Jonathan Bishop and his family.

Laid over.

ANNOUNCEMENT

Speaker Bromm designates LBs 59, 65, 112, 172, 184, 232, 267, 278, 301, 329, 430, 439, 457, 500, 528, 531, 539, 572, 609, 656, 670, 678, 720, 721, and 747 as Speaker priority bills.

MOTION - Approve Appointments

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointments found on page 828: State Fair Board - Jo Kinsey, Sallie Atkins, Frank Partsch, and John Peetz.

Voting in the affirmative, 40:

Aguilar	Connealy	Janssen	Mossey	Schrock
Baker	Cudaback	Johnson	Pedersen, Dw.	Smith
Bourne	Cunningham	Kremer	Preister	Stuhr
Bromm	Engel	Kruse	Price	Stuthman
Burling	Erdman	Louden	Quandahl	Thompson
Byars	Foley	Maxwell	Raikes	Tyson
Chambers	Friend	McDonald	Redfield	Vrtiska
Combs	Hudkins	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Hartnett	Jones	Pederson, D.
Brown	Jensen	Landis	Synowiecki

Excused and not voting, 1:

Brashear

The appointments were confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 209. Considered.

Senator Chambers offered the following amendment:

FA1200

Page 12, reinstate stricken language in lines 27-28 through lines 1-3 on page 13.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 525. Placed on General File as amended.

Standing Committee amendment to LB 525:
AM0828

1 1. Insert the following new section:
2 "Sec. 2. Section 53-1,104, Revised Statutes Supplement,
3 2002, is amended to read:
4 53-1,104. (1) Any licensee which sells or permits the
5 sale of any alcoholic liquor not authorized under the terms of such
6 license on the licensed premises or in connection with such
7 licensee's business or otherwise shall be subject to suspension,
8 cancellation, or revocation of such license by the commission.
9 (2) When an order suspending a retail license to sell
10 alcoholic liquor becomes final, the licensee may elect to pay a
11 cash penalty to the commission in lieu of suspending sales of
12 alcoholic liquor for the designated period if such election is not
13 prohibited by order of the commission. Except as otherwise
14 provided in subsection (3) of this section, for the first such
15 suspension for any licensee, the penalty shall be fifty dollars per
16 day, and for a second or any subsequent suspension, the penalty
17 shall be one hundred dollars per day.
18 (3)(a) For a second suspension for violation of section
19 53-180 or 53-180.02 occurring within ~~four~~ seven years after the
20 date of the first suspension, the commission, in its discretion,
21 may order that the licensee be required to suspend sales of
22 alcoholic liquor for a period of time not to exceed forty-eight
23 hours and that the licensee may not elect to pay a cash penalty.
24 The commission may use the required suspension of sales of
1 alcoholic liquor penalty either alone or in conjunction with
2 suspension periods for which the licensee may elect to pay a cash
3 penalty. For purposes of this subsection, second suspension for
4 violation of section 53-180 shall include suspension for a
5 violation of section 53-180.02 following suspension for a violation
6 of section 53-180 and second suspension for violation of section
7 53-180.02 shall include suspension for a violation of section
8 53-180 following suspension for a violation of section 53-180.02;
9 (b) For a third or subsequent suspension for violation of
10 section 53-180 or 53-180.02 occurring within ~~four~~ seven years after
11 the date of the first suspension, the commission, in its
12 discretion, may order that the licensee be required to suspend
13 sales of alcoholic liquor for a period of time not to exceed
14 fifteen days and that the licensee may not elect to pay a cash
15 penalty. The commission may use the required suspension of sales
16 of alcoholic liquor penalty either alone or in conjunction with
17 suspension periods for which the licensee may elect to pay a cash
18 penalty. For purposes of this subsection, third or subsequent
19 suspension for violation of section 53-180 shall include suspension
20 for a violation of section 53-180.02 following suspension for a
21 violation of section 53-180 and third or subsequent suspension for
22 violation of section 53-180.02 shall include suspension for a
23 violation of section 53-180 following suspension for a violation of

24 section 53-180.02; and

25 (c) For a first suspension based upon a finding that a
 26 licensee or an employee or agent of the licensee has been convicted
 27 of possession of a gambling device on a licensee's premises in
 1 violation of sections 28-1107 to 28-1111, the commission, in its
 2 discretion, may order that the licensee be required to suspend
 3 sales of alcoholic liquor for thirty days and that the licensee may
 4 not elect to pay a cash penalty. For a second or subsequent
 5 suspension for such a violation of sections 28-1107 to 28-1111
 6 occurring within four years after the date of the first suspension,
 7 the commission shall order that the license be canceled.

8 (4) For any licensee which has no violation for a period
 9 of ~~four~~ seven years consecutively, any suspension shall be treated
 10 as a new first suspension.

11 (5) The election provided for in subsection (2) of this
 12 section shall be filed with the commission in writing one week
 13 before the suspension is ordered to commence and shall be
 14 accompanied by payment in full of the sum required by this section.
 15 If such election has not been received by the commission by the
 16 close of business one week before the day such suspension is
 17 ordered to commence, it shall be conclusively presumed that the
 18 licensee has elected to close for the period of the suspension and
 19 any election received later shall be absolutely void and the
 20 payment made shall be returned to the licensee. The election shall
 21 be made on a form prescribed by the commission. All funds received
 22 under this section shall be remitted to the State Treasurer for
 23 credit to the temporary school fund."

24 2. On page 2, line 9, after "be" insert "guilty of a
 25 Class III misdemeanor and shall be".

26 3. On page 3, line 1, strike "(a)"; in lines 3, 6, 8,
 27 and 11 strike "suspension" and insert "impoundment"; in line 6
 1 strike "(i)" and insert "(a)"; in line 8 strike "(ii)" and insert
 2 "(b)"; in line 10 strike "(iii)" and insert "(c)"; and strike lines
 3 13 through 28.

4 4. On page 4, strike lines 1 through 4; and in line 5
 5 strike "(5)" and insert "(4)".

6 5. Amend the repealer and renumber the remaining
 7 sections accordingly.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 253. Placed on General File.

LEGISLATIVE BILL 799. Placed on General File as amended.
 Standing Committee amendment to LB 799:
 AM0849

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."

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.

State Fire Marshal
Dennis C. Hohbein

VOTE: Aye: Senators Aguilar, Brown, Burling, Combs, McDonald, and Schimek. Nay: None. Absent: Senators Smith and Vrtiska.

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 148. Placed on Select File as amended.
E & R amendment to LB 148:
AM7088

- 1 1. On page 39, line 23, strike the first comma and
- 2 insert "or" and strike the second comma.
- 3 2. On page 45, line 24, after "12" insert "of this act";
- 4 and in line 25 after "43" insert "of this act".
- 5 3. On page 46, line 6, strike the second "to" and insert
- 6 a comma.

LEGISLATIVE BILL 197. Placed on Select File as amended.
E & R amendment to LB 197:
AM7086

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 48-621, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 48-621. (1) The administrative fund shall consist of the
- 6 Employment Security Administration Fund and the Employment Security
- 7 Special Contingent Fund. Each fund shall be maintained as a
- 8 separate and distinct account in all respects, as follows:
- 9 (a) There is hereby created in the state treasury a
- 10 special fund to be known as the Employment Security Administration
- 11 Fund. All money credited to this fund is hereby appropriated and
- 12 made available to the Commissioner of Labor. All money in this
- 13 fund shall be expended solely for the purposes and in the amounts
- 14 found necessary as defined by the specific federal programs, state
- 15 statutes, and contract obligations for the proper and efficient
- 16 administration of all programs of the Department of Labor. The
- 17 fund shall consist of all money appropriated by this state and all

18 money received from the United States of America or any agency
19 thereof, including the Department of Labor and the Railroad
20 Retirement Board, or from any other source for such purpose. Money
21 received from any agency of the United States or any other state as
22 compensation for services or facilities supplied to such agency,
23 any amounts received pursuant to any surety bond or insurance
24 policy for losses sustained by the Employment Security
25 Administration Fund or by reason of damage to equipment or supplies
26 purchased from money in such fund, and any proceeds realized from
27 the sale or disposition of any equipment or supplies which may no
28 longer be necessary for the proper administration of such ~~law~~
29 ~~programs~~ shall also be credited to this fund. All money in this
30 fund shall be deposited, administered, and disbursed in the same
31 manner and under the same conditions and requirements as is
32 provided by law for other special funds in the state treasury. Any
33 balances in this fund, except balances of money therein
34 appropriated from the General Fund of this state, shall not lapse
35 at any time but shall be continuously available to the commissioner
36 for expenditure consistent with the Employment Security Law. Any
37 money in the Employment Security Administration Fund available for
38 investment shall be invested by the state investment officer
39 pursuant to the Nebraska Capital Expansion Act and the Nebraska
40 State Funds Investment Act; and

41 (b) There is hereby created in the state treasury a
42 special fund to be known as the Employment Security Special
43 Contingent Fund. Any money in the Employment Security Special
44 Contingent Fund available for investment shall be invested by the
45 state investment officer pursuant to the Nebraska Capital Expansion
46 Act and the Nebraska State Funds Investment Act. All money
47 collected under section 48-655 as interest on delinquent
48 contributions, less refunds, shall be credited to this fund from
49 the clearing account of the Unemployment Compensation Fund at the
50 end of each calendar quarter. Such money shall not be expended or
51 available for expenditure in any manner which would permit its
52 substitution for or a corresponding reduction in federal funds
53 which would in the absence of such money be available to finance
54 expenditures for the administration of the unemployment insurance
55 law, but nothing in this section shall prevent the money from being
56 used as a revolving fund to cover expenditures necessary and proper
57 under the law for which federal funds have been duly requested but
58 not yet received, subject to the charging of such expenditures
59 against such federal funds when received. The money in this fund
60 may be used by the Commissioner of Labor only as follows:

61 (i) To replace within a reasonable time any money
62 received by this state pursuant to section 302 of the federal
63 Social Security Act, as amended, and required to be paid under
64 section 48-622;

65 (ii) To meet special extraordinary and contingent
66 expenses which are deemed essential for good administration but

16 which are not provided in grants from the Secretary of Labor of the
17 United States and, for this purpose, no expenditures shall be made
18 from this fund except on written authorization by the Governor at
19 the request of the Commissioner of Labor;

20 (iii) To be transferred to the Nebraska Community College
21 Aid Cash Fund; and

22 (iv) To be transferred to the Job Training Cash Fund.

23 (2)(a) Money credited to the account of this state in the
24 Unemployment Trust Fund by the United States Secretary of the
25 Treasury pursuant to section 903 of the Social Security Act may not
26 be requisitioned from this state's account or used except for the
27 payment of benefits and for the payment of expenses incurred for
1 the administration of the Employment Security Law and public
2 employment offices. Such money may be requisitioned pursuant to
3 section 48-619 for the payment of benefits. Such money may also be
4 requisitioned and used for the payment of expenses incurred for the
5 administration of the Employment Security Law and public employment
6 offices but only pursuant to a specific appropriation by the
7 Legislature and only if the expenses are incurred and the money is
8 requisitioned after the date of enactment of an appropriation law
9 which specifies the purposes for which such money is appropriated
10 and the amounts appropriated therefor. Such appropriation is
11 subject to the following conditions:

12 (i) The period within which such money may be obligated
13 is limited to a period ending not more than two years after the
14 effective date of the appropriation law; and

15 (ii) The amount which may be obligated is limited to an
16 amount which does not exceed the amount by which the aggregate of
17 the amounts transferred to the account of this state pursuant to
18 section 903 of the Social Security Act exceeds the aggregate of the
19 amounts used by this state pursuant to the Employment Security Law
20 and charged against the amounts transferred to the account of this
21 state.

22 (b) For purposes of subdivision (2)(a)(ii) of this
23 section, the amounts obligated under an appropriation for the
24 administrative purposes described in such subdivision shall be
25 charged against transferred amounts at the exact time the
26 obligation is entered into.

27 (c) The appropriation, obligation, and expenditure or
1 other disposition of money appropriated under this subsection shall
2 be accounted for in accordance with standards established by the
3 United States Secretary of Labor.

4 (d) Money appropriated as provided in this subsection for
5 the payment of expenses of administration shall be requisitioned as
6 needed for the payment of obligations incurred under such
7 appropriation and, upon requisition, shall be credited to the
8 Employment Security Administration Fund from which such payments
9 shall be made. Money so credited shall, until expended, remain a
10 part of the Employment Security Administration Fund and, if it will

11 not be immediately expended, shall be returned promptly to the
12 account of this state in the Unemployment Trust Fund.
13 (e) Notwithstanding subdivision (2)(a) of this section,
14 money credited with respect to federal fiscal years 1999, 2000, and
15 2001 shall be used solely for the administration of the
16 unemployment compensation program and are not subject to
17 appropriation by the Legislature.

18 (3) There is hereby appropriated out of the funds made
19 available to this state in federal fiscal year 2002 under section
20 903(d) of the federal Social Security Act, as amended, the sum of
21 \$6,800,484, or so much thereof as may be necessary, to be used,
22 under the direction of the Department of Labor, for the
23 administration of the Employment Security Law and public employment
24 offices. The expenditure or other disposition of money
25 appropriated under this subsection shall be accounted for in
26 accordance with standards established by the United States
27 Secretary of Labor. Reed Act distributions appropriated pursuant
1 to this subsection may be amortized with federal grant funds
2 provided pursuant to Title III of the federal Social Security Act
3 and the federal Wagner-Peyser Act for the purpose of administering
4 the state unemployment compensation and employment service programs
5 to the extent allowed under such acts and the regulations adopted
6 pursuant thereto. Except as specifically provided in this
7 subsection, all provisions of subsection (2) of this section,
8 except subdivision (2)(a)(i) of this section, shall apply to this
9 appropriation. The commissioner shall submit an annual report to
10 the Governor, the Speaker of the Legislature, and the chairpersons
11 of the Appropriations Committee and the Business and Labor
12 Committee of the Legislature describing expenditures made pursuant
13 to this subsection.

14 Sec. 2. Original section 48-621, Revised Statutes
15 Supplement, 2002, is repealed.

16 Sec. 3. Since an emergency exists, this act takes effect
17 when passed and approved according to law."

18 2. On page 1, line 3, strike "and"; and in line 4 after
19 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 756. Placed on Select File as amended.

E & R amendment to LB 756:

AM7087

- 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 Cancer Drug Repository Program Act.

5 Sec. 2. For purposes of the Cancer Drug Repository
6 Program Act:

- 7 (1) Cancer drug means a prescription drug used to treat
- 8 (a) cancer or its side effects or (b) the side effects of a
- 9 prescription drug used to treat cancer or its side effects;

- 10 (2) Department means the Department of Health and Human
11 Services Regulation and Licensure;
- 12 (3) Health care facility has the definition found in
13 section 71-413;
- 14 (4) Health clinic has the definition found in section
15 71-416;
- 16 (5) Hospital has the definition found in section 71-419;
- 17 (6) Pharmacy has the definition found in section 71-425;
- 18 (7) Physician's office means the office of a person
19 licensed to practice medicine and surgery or osteopathic medicine
20 and surgery;
- 21 (8) Prescribing practitioner means a health care
22 practitioner licensed under the Uniform Licensing Law who is
23 authorized to prescribe cancer drugs; and
- 24 (9) Prescription drug has the definition found in section
1 71-1,142.
- 2 Sec. 3. The department shall establish a cancer drug
3 repository program for accepting donated cancer drugs and
4 dispensing such drugs to Nebraska residents. Participation in the
5 program shall be voluntary.
- 6 Sec. 4. Any person or entity, including, but not limited
7 to, a cancer drug manufacturer or health care facility, may donate
8 cancer drugs to the cancer drug repository program. Cancer drugs
9 may be donated at a physician's office, pharmacy, hospital, or
10 health clinic that elects to participate in the program and meets
11 criteria established by the department for such participation.
- 12 Sec. 5. (1) A cancer drug shall only be accepted or
13 dispensed under the cancer drug repository program if such drug is
14 in its original, unopened, sealed, and tamper-evident unit dose
15 packaging, except that a cancer drug packaged in single unit doses
16 may be accepted and dispensed if the outside packaging is opened
17 but the single-unit-dose packaging is unopened.
- 18 (2) A cancer drug shall not be accepted or dispensed
19 under the cancer drug repository program if (a) such drug bears an
20 expiration date that is earlier than six months after the date the
21 drug was donated or (b) such drug is adulterated or misbranded as
22 described in section 71-2401 or 71-2402.
- 23 (3) Subject to limitations provided in this section,
24 unused cancer drugs dispensed under the medical assistance program
25 established in section 68-1018 may be accepted and dispensed under
26 the cancer drug repository program.
- 27 Sec. 6. (1) A physician's office, pharmacy, hospital, or
1 health clinic that accepts donated cancer drugs under the cancer
2 drug repository program shall comply with all applicable provisions
3 of state and federal law relating to the storage, distribution, and
4 dispensing of such drugs and shall inspect all such drugs prior to
5 dispensing to determine if they are adulterated or misbranded as
6 described in section 71-2401 or 71-2402. Such drugs shall only be
7 dispensed pursuant to a prescription issued by a prescribing

8 practitioner. Such drugs may be distributed to another
9 participating physician's office, pharmacy, hospital, or health
10 clinic for dispensing.

11 (2) A physician's office, pharmacy, hospital, or health
12 clinic may charge a handling fee for distributing or dispensing
13 cancer drugs under the cancer drug repository program. Such fee
14 shall be established in rules and regulations adopted and
15 promulgated by the department. Cancer drugs donated under the
16 program shall not be resold.

17 Sec. 7. (1) Any person or entity which exercises
18 reasonable care in donating, accepting, distributing, or dispensing
19 cancer drugs under the Cancer Drug Repository Program Act or rules
20 and regulations adopted and promulgated under the act shall be
21 immune from civil or criminal liability or professional
22 disciplinary action of any kind for any injury, death, or loss to
23 person or property relating to such activities.

24 (2) The donation of a cancer drug by a cancer drug
25 manufacturer does not absolve the manufacturer of any criminal or
26 civil liability that would have existed but for the donation,
27 including, but not limited to, liability for failure to transfer or
1 communicate product or consumer information or the expiration date
2 of the donated cancer drug.

3 Sec. 8. The department, upon the recommendation of the
4 Board of Pharmacy, shall adopt and promulgate rules and regulations
5 to carry out the Cancer Drug Repository Program Act. Initial rules
6 and regulations under the act shall be adopted and promulgated no
7 later than ninety days after the operative date of this act. Such
8 rules and regulations shall include, but not be limited to:

9 (1) Eligibility criteria and other standards and
10 procedures for physician's offices, pharmacies, hospitals, and
11 health clinics that accept and distribute or dispense donated
12 cancer drugs;

13 (2) Necessary forms for administration of the cancer drug
14 repository program, including, but not limited to, forms for use by
15 persons or entities that donate, accept, distribute, or dispense
16 cancer drugs under the program;

17 (3) The maximum handling fee that may be charged by
18 physician's offices, pharmacies, hospitals, or health clinics that
19 accept and distribute or dispense donated cancer drugs; and

20 (4)(a) Categories of cancer drugs that the cancer drug
21 repository program will accept for dispensing and (b) categories of
22 cancer drugs that the program will not accept for dispensing and
23 the reason that such drugs will not be accepted.

24 Sec. 9. This act becomes operative on September 15,
25 2003."

26 2. On page 1, line 2, after "Act" insert "; and to
27 provide an operative date".

E & R amendment to LB 726:

AM7085

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following 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.
- 12 (2) The governing body of any county ~~with a population of~~
- 13 ~~more than three hundred thousand inhabitants~~ may after a public
- 14 hearing adopt a resolution to impose an additional sales tax of not
- 15 to exceed two percent upon the total consideration charged for
- 16 occupancy of any space furnished by any hotel if such county has
- 17 created a County Visitors Improvement Fund and a visitors committee
- 18 pursuant to section 81-1255. The proceeds from such tax shall be
- 19 paid to the County Visitors Improvement Fund.
- 20 (3) The taxes authorized by this section shall be in
- 21 addition to the tax authorized in section 81-1253 or any other
- 22 sales tax imposed or authorized.
- 23 Sec. 2. Section 81-1255, Reissue Revised Statutes of
- 24 Nebraska, is amended to read:
- 1 81-1255. The governing body of the county shall after a
- 2 public hearing adopt a resolution establishing a County Visitors
- 3 Promotion Fund and a visitors committee which shall serve as an
- 4 advisory committee to the county board in administering the
- 5 proceeds from the taxes provided to the county by the Nebraska
- 6 Visitors Development Act. The governing body of a county ~~with a~~
- 7 ~~population of more than three hundred thousand inhabitants~~ may also
- 8 after a public hearing adopt a resolution establishing a County
- 9 Visitors Improvement Fund. The proceeds of the County Visitors
- 10 Promotion Fund shall be used generally to promote, encourage, and
- 11 attract visitors to come to the county and use the travel and
- 12 tourism facilities within the county. The proceeds of the County
- 13 Visitors Improvement Fund shall be used to improve the visitor
- 14 attractions and facilities in the county, except that no proceeds
- 15 shall be used to improve a facility in which parimutuel wagering is
- 16 conducted. If the visitors committee determines that the visitor
- 17 attractions in the county are adequate and do not require
- 18 improvement, the committee may use the County Visitors Improvement
- 19 Fund to promote, encourage, and attract visitors to the county to
- 20 use the county's travel and tourism facilities. The committee
- 21 shall consist of five ~~to~~ or seven members appointed by the
- 22 governing body of the county. ~~Two members of the committee shall~~
- 23 ~~be in the hotel industry. If the committee has five members, at~~

24 least one but no more than two members of the committee shall be in
 25 the hotel industry. If the committee has seven members, at least
 26 two but no more than three members of the committee shall be in the
 27 hotel industry.

1 Such appointees shall serve without compensation, except
 2 for reimbursement for necessary expenses. Committee members shall
 3 serve for terms of four years, except that at least half of those
 4 appointed shall be appointed for initial terms of two years.
 5 Vacancies shall be filled in the same manner as the initial
 6 appointments. The committee shall elect a chairperson and
 7 vice-chairperson from among its members to serve for terms of two
 8 years.
 9 Sec. 3. Original sections 81-1254 and 81-1255, Reissue
 10 Revised Statutes of Nebraska, are repealed."
 11 2. On page 1, strike beginning with "allow" in line 3
 12 through "tax" in line 4 and insert "change provisions relating to
 13 imposition of a lodging tax, creation of a County Visitors
 14 Improvement Fund, and establishment of a visitors committee".

(Signed) Ray Mossey, 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
 Mark Pinkerton
 James Stuart
 William Zutavern

VOTE: Aye: Senators Friend, Hudkins, Jones, Kremer, Loudon, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 357A:
 AM0855

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. There is hereby appropriated (1) \$150,000
 4 from the Election Administration Fund for FY2002-03 and (2)
 5 \$2,230,000 from the Election Administration Fund for FY2003-04 to
 6 the Secretary of State, for Program 45, to aid in carrying out the
 7 provisions of Legislative Bill 357, Ninety-eighth Legislature,

8 First Session, 2003.

9 Total expenditures for permanent and temporary salaries
10 and per diems from funds appropriated in this section shall not
11 exceed \$30,000 for FY2002-03 or \$190,000 for FY2003-04.
12 Sec. 2. There is hereby appropriated \$2,200 from the
13 Department of Motor Vehicles Cash Fund for FY2003-04 to the
14 Department of Motor Vehicles, for Program 70, to aid in carrying
15 out the provisions of Legislative Bill 357, Ninety-eighth
16 Legislature, First Session, 2003.
17 No expenditures for permanent and temporary salaries and
18 per diems for state employees shall be made from funds appropriated
19 in this section.
20 Sec. 3. Since an emergency exists, this act takes effect
21 when passed and approved according to law."

UNANIMOUS CONSENT - Member Excused

Senator McDonald asked unanimous consent to be excused. No objections.
So ordered.

GENERAL FILE

LEGISLATIVE BILL 209. The Chambers pending amendment, FA1200,
found in this day's Journal, was renewed.

The Chambers amendment was adopted with 32 ayes, 0 nays, 16 present and
not voting, and 1 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 10 present and not
voting, and 1 excused and not voting.

LEGISLATIVE BILL 608. Title read. Considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment, AM0621, printed separately and
referred to on page 708, 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:
FA1204

26 Sec. 3. Section 77-27,188, Revised Statutes Supplement,
27 2002, is amended to read:

1 77-27,188. (1)(a) A credit against the taxes imposed by
2 the Nebraska Revenue Act of 1967 shall be allowed to any taxpayer

3 engaged in a qualifying business as described in section 77-27,189
4 located within the boundaries of an enterprise zone as defined and
5 designated by the Department of Economic Development pursuant to
6 the Enterprise Zone Act. For taxable years beginning or deemed to
7 begin on or before December 31, 2003, a credit against the taxes
8 imposed by the Nebraska Revenue Act of 1967 shall be allowed to any
9 taxpayer engaged in a qualifying business as described in section
10 77-27,189 who increases the employment of such business in this
11 state by two new equivalent Nebraska employees and who makes an
12 increased investment in this state of at least seventy-five
13 thousand dollars during a taxable year.

14 (b) Any taxpayer who has been allowed a credit under
15 subdivision (1)(a) of this section during the preceding five
16 taxable years, not counting carryovers, shall be allowed a credit
17 for an increase in employment in this state by two new equivalent
18 Nebraska employees.

19 (2) Except as provided in subsection (3) of this section,
20 the amount of the credit shall be one thousand five hundred dollars
21 for each new equivalent Nebraska employee and one thousand dollars
22 for each seventy-five thousand dollars of increased investment.

23 (3) For any taxpayer described in subdivision (1)(a) of
24 this section which is also located within the boundaries of an
25 enterprise zone as defined and designated by the Department of
26 Economic Development pursuant to the Enterprise Zone Act, the
27 amount of the credit shall be:

1 (a) Four thousand five hundred dollars for each new
2 equivalent Nebraska employee and three thousand dollars for each
3 seventy-five thousand dollars of increased investment if at least
4 fifty percent of the new equivalent Nebraska employees of the
5 taxpayer reside within the boundaries of the enterprise zone; or

6 (b) Four thousand five hundred dollars for each new
7 equivalent Nebraska employee residing within the boundaries of the
8 enterprise zone, one thousand five hundred dollars for each new
9 equivalent Nebraska employee not residing within the boundaries of
10 the enterprise zone, and one thousand dollars for each seventy-five
11 thousand dollars of increased investment if less than fifty percent
12 of the new equivalent Nebraska employees of the taxpayer reside
13 within the boundaries of the enterprise zone.

14 The credit allowed to a taxpayer pursuant to this
15 subsection shall not exceed seventy-five thousand dollars in any
16 one tax year.

17 For purposes of this ~~subdivision~~ subsection, employees
18 residing within the boundaries of an enterprise zone shall be
19 construed to mean employees residing within a county in which an
20 enterprise zone is located when the enterprise zone is not located
21 in a city of the primary or metropolitan class.

22 For purposes of this ~~subdivision~~ subsection, an employee
23 residing within the enterprise zone shall mean an individual who is
24 domiciled within the enterprise zone for the entire pay period.

25 (4) The credit shall be applied as provided in section
26 77-27,188.01.

27 (5) Any taxpayer who has qualified for a credit in the
1 amount set out in subsection (3) of this section may elect to
2 receive either the amount as calculated pursuant to subsection (2)
3 or (3) of this section.

4 (6) An employee of a qualified employee leasing company
5 shall be considered to be an employee of the client-lessee for
6 purposes of this section if the employee performs services for the
7 client-lessee. A qualified employee leasing company shall provide
8 the Department of Revenue access to the records of employees leased
9 to the client-lessee.

15 Sec. 5. Section 77-4103, Revised Statutes Supplement,
16 2002, is amended to read:

17 77-4103. For purposes of the Employment and Investment
18 Growth Act, unless the context otherwise requires:

19 (1) Any term shall have the same meaning as used in
20 Chapter 77, article 27;

21 (2) Base year shall mean the year immediately preceding
22 the year during which the application was submitted;

23 (3) Base-year employee shall mean any individual who was
24 employed in Nebraska and subject to the Nebraska income tax on
25 compensation received from the taxpayer or its predecessors during
26 the base year and who is employed at the project;

27 (4) Compensation shall mean the wages and other payments
1 subject to withholding for federal income tax purposes;

2 (5) Entitlement period shall mean the year during which
3 the required increases in employment and investment were met or
4 exceeded, and the next six years;

5 (6) Equivalent employees shall mean the number of
6 employees computed by dividing the total hours paid in a year by
7 the product of forty times the number of weeks in a year;

8 (7) Investment shall mean the value of qualified property
9 incorporated into or used at the project. For qualified property
10 owned by the taxpayer, the value shall be the original cost of the
11 property. For qualified property rented by the taxpayer, the
12 average net annual rent shall be multiplied by the number of years
13 of the lease for which the taxpayer was originally bound, not to
14 exceed ten years or the end of the third year after the entitlement
15 period, whichever is earlier. The rental of land included in and
16 incidental to the leasing of a building shall not be excluded from
17 the computation;

18 (8) Motor vehicle shall mean any motor vehicle, trailer,
19 or semitrailer as defined in section 60-301 and subject to
20 licensing for operation on the highways;

24 (10) Nebraska employee shall mean an individual who is
25 either a resident or partial-year resident of Nebraska;

26 ~~(10)~~ (11) Number of new employees shall mean the excess
27 of the number of equivalent employees employed at the project

1 during a year over the number of equivalent employees during the
2 base year;

3 ~~(11)~~ (12) Qualified business shall mean any business
4 engaged in the activities listed in subdivisions ~~(b)(i) through (v)~~
5 (a)(ii)(A) through (E) of this subdivision or in the storage,
6 warehousing, distribution, transportation, or sale of tangible
7 personal property. Qualified business shall not include;

8 (a) Any ~~any~~ business activity in which eighty percent or
9 more of the total sales are sales to the ultimate consumer of food
10 prepared for immediate consumption or are sales to the ultimate
11 consumer of tangible personal property which is not ~~(a)~~ (i)
12 assembled, fabricated, manufactured, or processed by the taxpayer
13 or ~~(b)~~ (ii) used by the purchaser in any of the following
14 activities:

15 ~~(i)~~ (A) The conducting of research, development, or
16 testing for scientific, agricultural, animal husbandry, food
17 product, or industrial purposes;

18 ~~(ii)~~ (B) The performance of data processing,
19 telecommunication, insurance, or financial services. Financial
20 services for purposes of this subdivision shall only include
21 financial services provided by any financial institution subject to
22 tax under Chapter 77, article 38, or any person or entity licensed
23 by the Department of Banking and Finance or the Securities and
24 Exchange Commission;

25 ~~(iii)~~ (C) The assembly, fabrication, manufacture, or
26 processing of tangible personal property;

27 ~~(iv)~~ (D) The administrative management of any activities,
1 including headquarter facilities relating to such activities; or
2 ~~(v)~~ (E) Any combination of the activities listed in ~~this~~
3 subdivision (a)(ii) of this subdivision;

6 (c) Any casino;

7 ~~(12)~~ (13) Qualified employee leasing company shall mean a
8 company which places all employees of a client-lessee on its
9 payroll and leases such employees to the client-lessee on an
10 ongoing basis for a fee and, by written agreement between the
11 employee leasing company and a client-lessee, grants to the
12 client-lessee input into the hiring and firing of the employees
13 leased to the client-lessee;

14 ~~(13)~~ (14) Qualified property shall mean any tangible
15 property of a type subject to depreciation, amortization, or other
16 recovery under the Internal Revenue Code of 1986, or the components
17 of such property, that will be located and used at the project.
18 Qualified property shall not include (a) aircraft, barges, motor
19 vehicles, railroad rolling stock, or watercraft or (b) property
20 that is rented by the taxpayer qualifying under the Employment and
21 Investment Growth Act to another person;

4 ~~(14)~~ (16) 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)~~ (17) 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)~~ (18) 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 Sec. 6. Section 77-4104, Revised Statutes Supplement,
26 2002, is amended to read:

27 77-4104. (1) In order to utilize the incentives set
1 forth in the Employment and Investment Growth Act, the taxpayer
2 shall file an application for an agreement with the Tax
3 Commissioner.

4 (2) The application shall contain:

5 (a) A written statement describing the plan of employment
6 and investment for a qualified business in this state;

7 (b) Sufficient documents, plans, and specifications as
8 required by the Tax Commissioner to support the plan and to define
9 a project;

10 (c) If more than one location within this state is
11 involved, sufficient documentation to show that the employment and
12 investment at different locations are interdependent parts of the
13 plan. A headquarters shall be presumed to be interdependent with
14 any other location directly controlled by such headquarters. A
15 showing that the parts of the plan would be considered parts of a
16 unitary business for corporate income tax purposes shall not be
17 sufficient to show interdependence for the purposes of this
18 subdivision;

19 (d) A nonrefundable application fee of five hundred
20 dollars. The fee shall be deposited into the Employment and
21 Investment Growth Fund, which fund is hereby created. Any money in
22 the fund available for investment shall be invested by the state
23 investment officer pursuant to the Nebraska Capital Expansion Act
24 and the Nebraska State Funds Investment Act; and

25 (e) A timetable showing the expected sales tax refunds
26 and what year they are expected to be claimed. The timetable shall
27 include both direct refunds due to investment and credits taken as
1 sales tax refunds as accurately as possible.

2 The application and all supporting information shall be
3 confidential except for the name of the taxpayer, the location of
4 the project, the amounts of increased employment and investment,
5 and the information required to be reported by sections 77-4110 and
6 77-4113.

7 (3) Once satisfied that the plan in the application
8 defines a project consistent with the purposes stated in section
9 77-4102 in one or more qualified business activities within this
10 state, that the plans will result in ~~either~~ (a) the investment in
11 qualified property of at least three million dollars and the hiring
18 investment in qualified property resulting in a net gain in the
19 total value of tangible property in this state of a type subject to
20 depreciation, amortization, or other recovery under the Internal
21 Revenue Code of 1986 of at least twenty million dollars, and that
22 the required levels of employment and investment for the project
23 will be met prior to the end of the sixth year after the year in
24 which the application was submitted, the Tax Commissioner shall
25 approve the application. In determining the net gain in value for
26 purposes of this subsection, all tangible personal property shall
27 be valued in a manner consistent with the value determined for
1 qualified property, and the total value on the last day of each
2 year shall be compared with the total value on the last day of the
3 base year.

16 (5) After approval, the taxpayer and the Tax Commissioner
17 shall enter into a written agreement. The taxpayer shall agree to
18 complete the project, and the Tax Commissioner, on behalf of the
19 State of Nebraska, shall designate the approved plans of the
20 taxpayer as a project and, in consideration of the taxpayer's
21 agreement, agree to allow the taxpayer to use the incentives
22 contained in the Employment and Investment Growth Act. The
23 application, and all supporting documentation, to the extent
24 approved, shall be considered a part of the agreement. The
25 agreement shall state:

26 (a) The levels of employment and investment required by
27 the act for the project;

1 (b) The time period under the act in which the required
2 levels must be met;

3 (c) The documentation the taxpayer will need to supply
4 when claiming an incentive under the act;

5 (d) The date the application was filed; and

6 (e) A requirement that the company update the Department
7 of Revenue annually on any changes in plans or circumstances which
8 affect the timetable of sales tax refunds as set out in the
9 application. If the company fails to comply with this requirement,
10 the Tax Commissioner may defer any pending sales tax refunds until
11 the company does comply.

12 ~~(5)~~ (6) The incentives contained in section 77-4105 shall
13 be in lieu of the tax credits allowed by section 77-27,188 for any
14 project. In computing credits under section 77-27,188, any

15 investment or employment which is eligible for benefits under the
16 Employment and Investment Growth Act shall be subtracted from the
17 increases computed for determining the credits under section
18 77-27,188.

19 ~~(6)~~ (7) A taxpayer and the Tax Commissioner may enter
20 into agreements for more than one project and may include more than
21 one project in a single agreement. The projects may be either
22 sequential or concurrent. A project may involve the same location
23 as another project. No new employment or new investment shall be
24 included in more than one project for either the meeting of the
25 employment or investment requirements or the creation of credits.
26 When projects overlap and the plans do not clearly specify, then
27 the taxpayer shall specify in which project the employment and
1 investment belongs.

2 Sec. 7. Section 77-4105, Revised Statutes Supplement,
3 2002, is amended to read:

4 77-4105. (1) A taxpayer who has signed an agreement
5 under section 77-4104 may elect to determine taxable income for
6 purposes of the Nebraska income tax using the sales factor only.
7 The election may be made for the year during which the application
8 was filed and for each year thereafter through the eighth year
9 after the end of the entitlement period. The election shall be
10 made for the year of the election by computing taxable income using
11 the sales factor only on the tax return.

12 (2) A taxpayer who has signed an agreement under section
13 77-4104 shall receive the incentive provided in this subsection if
14 the agreement contains one or more projects which together will
15 result in the investment in qualified property of at least ten
16 million dollars and the hiring of at least one hundred new
17 employees. Such ten-million-dollar investment and hiring of at
18 least one hundred new employees shall be considered a required
19 level of investment and employment for this subsection and for the
20 recapture of personal property tax only.

21 The following property used in connection with such
22 project or projects and acquired by the taxpayer, whether by lease
23 or purchase, after the date the application was filed shall
24 constitute separate classes of personal property:

25 (a) Turbine-powered aircraft, including turboprop,
26 turbojet, and turbofan aircraft, except when any such aircraft is
27 used for fundraising for or for the transportation of an elected
1 official;

2 (b) Mainframe business computers used for business
3 information processing which require environmental controls of
4 temperature and power and which are capable of simultaneously
5 supporting more than one transaction and more than one user plus
6 peripheral components which require environmental controls of
7 temperature and power connected to such computers. Computer
8 peripheral components shall be limited to additional memory units,
9 tape drives, disk drives, power supplies, cooling units, and

10 communication controllers; and

11 (c) Personal property which is business equipment located
12 in a single project if (i) the business equipment is involved
13 directly in the manufacture or processing of agricultural products
14 and (ii) the investment in the single project exceeds ten million
15 dollars.

16 Such property shall be eligible for exemption from the
17 tax on personal property from the first January 1 following the
18 date of acquisition for property in subdivision (2)(a) of this
19 section, or from the first January 1 following the end of the year
20 during which the required levels were exceeded for property in
21 subdivisions (2)(b) and (2)(c) of this section, through the
22 sixteenth December 31 after the filing of the application. In
23 order to receive the property tax exemptions allowed by
24 subdivisions (2)(a), (2)(b), and (2)(c) of this section, the
25 taxpayer shall annually file a claim for exemption with the
26 Property Tax Administrator on or before May 1. The form and
27 supporting schedules shall be prescribed by the Property Tax
1 Administrator and shall list all property for which exemption is
2 being sought under this section. A separate claim for exemption
3 must be filed for each project and each county in which property is
4 claimed to be exempt. A copy of this form must also be filed with
5 the county assessor in each county in which the applicant is
6 requesting exemption. The Property Tax Administrator shall
7 determine the eligibility of each item listed for exemption and, on
8 or before August 10, certify such to the taxpayer and to the
9 affected county assessor. Notwithstanding any other provision of
10 law, the Property Tax Administrator shall be allowed access to the
11 applications and such other records of the Department of Revenue as
12 necessary in order to determine the eligibility for exemption.

13 (3) When the taxpayer has met the required levels of
14 employment and investment contained in the agreement, the taxpayer
15 shall also be entitled to the following incentives:

16 (a) A refund of all sales and use taxes paid under the
17 Nebraska Revenue Act of 1967, the Local Option Revenue Act, and
18 sections 13-319, 13-324, and 13-2813 from the date of the
19 application through the meeting of the required levels of
20 employment and investment for all purchases, including rentals, of:

21 (i) Qualified property used as a part of the project;

22 (ii) Property, excluding motor vehicles, based in this
23 state and used in both this state and another state in connection
24 with the project except when any such property is to be used for
25 fundraising for or for the transportation of an elected official;

26 (iii) Tangible personal property by the owner of the
27 improvement to real estate that is incorporated into real estate as
1 a part of a project; and

2 (iv) Tangible personal property by a contractor or
3 repairperson after appointment as a purchasing agent of the owner
4 of the improvement to real estate. The refund shall be based on

5 fifty percent of the contract price, excluding any land, as the
6 cost of materials subject to the sales and use tax; and
7 (b) A refund of the sales and use taxes paid under the
8 Nebraska Revenue Act of 1967, the Local Option Revenue Act, and
9 sections 13-319, 13-324, and 13-2813 on the types of purchases,
10 including rentals, listed in subdivision (a) of this subsection for
11 such taxes paid during each year of the entitlement period in which
12 the taxpayer is at or above the required levels of employment and
13 investment.

14 (4) Any taxpayer who qualifies for the incentives
15 contained in subsections (1) and (3) of this section and who has
20 (a) A credit equal to five percent of the amount by which
21 the total compensation paid during the year to employees who are
22 either Nebraska employees or base-year employees while employed at
23 the project exceeds the average compensation paid at the project
10 Sec. 10. Section 77-4112, Revised Statutes Supplement,
11 2002, is amended to read:

12 77-4112. (1) The changes made in sections 77-4103 to
13 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative
14 for all applications filed on and after January 1, 1988. For all
15 applications filed prior to January 1, 1988, the provisions of the
16 Employment and Investment Growth Act as they existed immediately
17 prior to such date shall apply.

18 (2) Section 77-4113 and the changes made in section
19 77-4104 by Laws 1996, LB 1290, shall become operative for all
20 applications filed on or after May 1, 1996.

21 (3) The changes made in sections 77-4101 and 77-4103 by
22 Laws 1999, LB 539, and section 77-4103.01 shall become operative
23 for any taxpayer with an agreement in effect on or after January 1,
24 1999. Such changes and section 77-4103.01 shall be applied on a
25 consistent basis for determining benefits for tax years beginning,
26 or deemed to begin, on and after January 1, 1999. For all benefit
27 determinations in tax years beginning, or deemed to begin, prior to
1 January 1, 1999, the provisions of the Employment and Investment
2 Growth Act as they existed immediately prior to such date shall
3 apply.

4 (4) The changes made to sections 77-4103 to 77-4105 by
5 this legislative bill apply to applications filed on or after the
6 effective date of this act.

21 Sec. 12. Section 77-5536, Revised Statutes Supplement,
22 2002, is amended to read:

23 77-5536. (1) The board shall determine whether to
24 approve the company's application by majority vote based on its
25 determination as to whether the project will sufficiently help
26 enable the state to accomplish the purposes of the Invest Nebraska
27 Act. The board shall be governed by and shall take into
1 consideration all of the following factors in making its
2 determination:

3 (a) The timing, number, wage levels, employee benefit

4 package, and types of new jobs to be created by the project;

5 (b) The type of industry in which the company and the
6 project would be engaged;

7 (c) The timing, amount, and types of investment in
8 qualified property to be made at the project; and

9 (d) Whether the board believes the project would occur in
10 this state regardless of whether the application was approved.

11 (2) The weight given to each factor shall be determined
12 by each board member individually for each application. The
13 decision of the board shall be made in open meeting and is not
14 confidential.

15 (3) A project shall be considered eligible under the act
16 and may be approved by the board only if the application defines a
17 project consistent with the purposes contained in section 77-5502
18 in one or more qualified business activities within this state that
19 will result in (a) the investment in qualified property of at least
20 ten million dollars and the hiring of a number of new employees of
21 at least twenty-five. The investment and new employees for such
22 project shall count towards attaining and maintaining such
23 thresholds only if the qualified property is located in, and the
24 employee's principal place of employment for the company is located
25 in, one or more Nebraska counties having a population of less than
26 one hundred thousand individuals as of the end of the base year.

27 For this purpose, the population shall be conclusively determined
1 by the Department of Revenue, (b) the investment in qualified
2 property of at least fifty million dollars and the hiring of a
3 number of new employees of at least five hundred, (c) the
4 investment in qualified property of at least one hundred million
5 dollars and the hiring of a number of new employees of at least two
6 hundred fifty, or (d) the investment in qualified property of at
7 least two hundred million dollars and the hiring of a number of new
8 employees of at least five hundred.

9 (4) The new investment and employment shall occur within
10 seven years, meaning by the end of the sixth year after the end of
11 the year the application was filed, and shall be maintained for the
12 entire entitlement period. These thresholds shall constitute the
13 required levels of employment and investment for purposes of the
14 act.

15 (5)(a) An individual employed by the company, other than
16 a base-year employee, shall be considered an employee for purposes
17 of attaining and maintaining the required number of new employees
18 and shall be considered an employee whose compensation is included
19 in the calculation of the wage benefit credit only if the
20 compensation paid by the company to such employee for the year is
21 (i) for companies qualifying under the ten million dollar
22 investment and twenty-five new employee threshold under subdivision
23 (3)(a) of this section, at least one hundred percent of the
24 Nebraska average annual wage, (ii) for companies qualifying under
25 the fifty million dollar investment and five hundred new employee

26 threshold under subdivision (3)(b) of this section or the one
27 hundred million dollar investment and two hundred fifty new
1 employee threshold under subdivision (3)(c) of this section, at
2 least one hundred ten percent of the Nebraska average annual wage;
3 and (iii) for the companies applying under the two hundred million
4 dollar investment and five hundred new employee threshold of
5 subdivision (3)(d) of this section, at least one hundred twenty
6 percent of the Nebraska average annual wage.

7 (b) For the purposes of subdivision (a) of this
8 subsection, compensation paid by the company to such employee for
9 the year shall be the amount paid for the entire year for regular
10 hours worked, not including overtime, bonuses, or any other
11 irregular payments. If the employee works for less than a year,
12 the compensation paid will be annualized solely for the purpose of
13 comparison with the Nebraska average annual wage.

14 (6) If the project application is approved by the board,
15 the company and the state shall enter into a written agreement,
16 which shall be executed on behalf of the state by the Tax
17 Commissioner. In the agreement the company shall agree to complete
18 the project and the state shall designate the approved plans of the
19 company as a project and, in consideration of the company's
20 agreement, agree to allow the wage benefit credit or the investment
21 tax credit, as applicable, as provided for in the act. The
22 application, and all supporting documentation, to the extent
23 approved, shall be deemed a part of the agreement. The agreement
24 shall contain such terms and conditions as the board shall specify
25 in order to carry out the legislative purposes of the act. The
26 agreement shall contain provisions to allow the Department of
27 Revenue to verify that the required levels of employment and
1 investment have been attained and maintained. The agreement shall
2 contain provisions to require verification that the required levels
3 have been attained before any credits are used. The agreement
4 shall contain such other conditions or requirements, if any, for
5 the company as established by the department to carry out the
6 purposes of the act.

7 (7) Any investment or employment which is eligible for
8 benefits under the Quality Jobs Act shall not be included in a
9 project under the Invest Nebraska Act. A project under the Invest
10 Nebraska Act may involve the same location as another project under
11 the Invest Nebraska Act or under the Quality Jobs Act, except that
12 no new employment or new investment shall be included in more than
13 one project for either the meeting of the employment or investment
14 requirements or the creation of tax incentives. When projects
15 overlap and the project application does not otherwise clearly
16 specify, the company shall specify in which project the employment
17 and investment belongs. ~~Any~~

18 (8) For applications for projects that are not receiving
19 benefits under the Ethanol Development Act or applications filed
20 before the effective date of this act, any employment or investment

21 which is eligible for benefits under the Invest Nebraska Act may
 22 also be included in, and create incentives for, a project under the
 23 Employment and Investment Growth Act, the Employment Expansion and
 24 Investment Incentive Act, and the Rural Economic Opportunities Act,
 25 to the extent otherwise allowable under such respective acts. For
 26 applications filed on or after the effective date of this act, a
 27 taxpayer that is receiving benefits under the Ethanol Development
 1 Act may not receive benefits under the Invest Nebraska Act for the
 2 project that generates the incentive under the Ethanol Development
 3 Act.

4 ~~(8)~~ (9) In order to provide the degree of certainty
 5 necessary to enable a project to proceed, and notwithstanding any
 6 provision of Nebraska statute or common law to the contrary, to the
 7 extent any such right of appeal or challenge otherwise exists, no
 8 appeal or challenge of the board's decision by any person shall be
 9 filed after the expiration of thirty days after the board's
 10 decision.

11 Sec. 13. Original sections 50-419, 77-4110, and 77-4113,
 12 Reissue Revised Statutes of Nebraska, and sections 77-27,119,
 13 77-27,188, 77-4101, 77-4103 to 77-4105, 77-4112, and 77-5536,
 14 Revised Statutes Supplement, 2002, are repealed."

Pending.

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 608:
 AM0831

(Amendments to Standing Committee amendments, AM0621)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 77-2711, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 77-2711. (1)(a) The Tax Commissioner shall enforce
- 5 sections 77-2702.03 to 77-2713 and may prescribe, adopt, and
- 6 enforce rules and regulations relating to the administration and
- 7 enforcement of such sections.
- 8 (b) The Tax Commissioner may prescribe the extent to
- 9 which any ruling or regulation shall be applied without retroactive
- 10 effect.
- 11 (2) The Tax Commissioner may employ accountants,
- 12 auditors, investigators, assistants, and clerks necessary for the
- 13 efficient administration of the Nebraska Revenue Act of 1967 and
- 14 may delegate authority to his or her representatives to conduct
- 15 hearings, prescribe regulations, or perform any other duties
- 16 imposed by such act.
- 17 (3)(a) Every seller, every retailer, and every person
- 18 storing, using, or otherwise consuming in this state property
- 19 purchased from a retailer shall keep such records, receipts,
- 20 invoices, and other pertinent papers in such form as the Tax

21 Commissioner may reasonably require.

22 (b) Every such seller, retailer, or person shall keep
23 such records for not less than three years from the making of such
1 records unless the Tax Commissioner in writing sooner authorized
2 their destruction.

3 (4) The Tax Commissioner or any person authorized in
4 writing by him or her may examine the books, papers, records, and
5 equipment of any person selling property and any person liable for
6 the use tax and may investigate the character of the business of
7 the person in order to verify the accuracy of any return made or,
8 if no return is made by the person, to ascertain and determine the
9 amount required to be paid. In the examination of any person
10 selling property or of any person liable for the use tax, an
11 inquiry shall be made as to the accuracy of the reporting of city
12 sales and use taxes for which the person is liable under the Local
13 Option Revenue Act or sections 13-319, 13-324, and 13-2813 and the
14 accuracy of the allocation made between the various counties,
15 cities, villages, and municipal counties of the tax due. The Tax
16 Commissioner may make or cause to be made copies of resale or
17 exemption certificates and may pay a reasonable amount to the
18 person having custody of the records for providing such copies.

19 (5) The taxpayer shall have the right to keep or store
20 his or her records at a point outside this state and shall make his
21 or her records available to the Tax Commissioner at all times.

22 (6) In administration of the use tax, the Tax
23 Commissioner may require the filing of reports by any person or
24 class of persons having in his, her, or their possession or custody
25 information relating to sales of property, the storage, use, or
26 other consumption of which is subject to the tax. The report shall
27 be filed when the Tax Commissioner requires and shall set forth the
1 names and addresses of purchasers of the property, the sales price
2 of the property, the date of sale, and such other information as
3 the Tax Commissioner may require.

4 (7) It shall be a Class I misdemeanor for the Tax
5 Commissioner or any official or employee of the Tax Commissioner to
6 make known in any manner whatever the business affairs, operations,
7 or information obtained by an investigation of records and
8 activities of any retailer or any other person visited or examined
9 in the discharge of official duty or the amount or source of
10 income, profits, losses, expenditures, or any particular thereof,
11 set forth or disclosed in any return, or to permit any return or
12 copy thereof, or any book containing any abstract or particulars
13 thereof to be seen or examined by any person not connected with the
14 Tax Commissioner. Nothing in this section shall be construed to
15 prohibit (a) the delivery to a taxpayer, his or her duly authorized
16 representative, or his or her successors, receivers, trustees,
17 executors, administrators, assignees, or guarantors, if directly
18 interested, of a certified copy of any return or report in
19 connection with his or her tax, (b) the publication of statistics

20 so classified as to prevent the identification of particular
21 reports or returns and the items thereof, (c) the inspection by the
22 Attorney General, other legal representative of the state, or
23 county attorney of the reports or returns of any taxpayer when
24 either (i) information on the reports or returns is considered by
25 the Attorney General to be relevant to any action or proceeding
26 instituted by the taxpayer or against whom an action or proceeding
27 is being considered or has been commenced by any state agency or
1 the county or (ii) the taxpayer has instituted an action to review
2 the tax based thereon or an action or proceeding against the
3 taxpayer for collection of tax or failure to comply with the
4 Nebraska Revenue Act of 1967 is being considered or has been
5 commenced, (d) the furnishing of any information to the United
6 States Government or to states allowing similar privileges to the
7 Tax Commissioner, (e) the disclosure of information and records to
8 a collection agency contracting with the Tax Commissioner pursuant
9 to sections 77-377.01 to 77-377.04, ~~or~~ (f) the disclosure to
10 another party to a transaction of information and records
11 concerning the transaction between the taxpayer and the other
12 party, or (g) the disclosure of information pursuant to section
13 77-4104, 77-4110, or section 9 of this act.

14 (8) Notwithstanding the provisions of subsection (7) of
15 this section, the Tax Commissioner may permit the Postal Inspector
16 of the United States Postal Service or his or her delegates to
17 inspect the reports or returns of any person filed pursuant to the
18 Nebraska Revenue Act of 1967 when information on the reports or
19 returns is relevant to any action or proceeding instituted or being
20 considered by the United States Postal Service against such person
21 for the fraudulent use of the mails to carry and deliver false and
22 fraudulent tax returns to the Tax Commissioner with the intent to
23 defraud the State of Nebraska or to evade the payment of Nebraska
24 state taxes.

25 (9) Notwithstanding the provisions of subsection (7) of
26 this section, the Tax Commissioner may permit other tax officials
27 of this state to inspect the tax returns, reports, and applications
1 filed under sections 77-2702.03 to 77-2713, but such inspection
2 shall be permitted only for purposes of enforcing a tax law and
3 only to the extent and under the conditions prescribed by the rules
4 and regulations of the Tax Commissioner.

5 (10) Notwithstanding the provisions of subsection (7) of
6 this section, the Tax Commissioner may, upon request, provide the
7 county board of any county which has exercised the authority
8 granted by section 81-1254 with a list of the names and addresses
9 of the hotels located within the county for which lodging sales tax
10 returns have been filed or for which lodging sales taxes have been
11 remitted for the county's County Visitors Promotion Fund under the
12 Nebraska Visitors Development Act.

13 The information provided by the Tax Commissioner shall
14 indicate only the names and addresses of the hotels located within

15 the requesting county for which lodging sales tax returns have been
 16 filed for a specified period and the fact that lodging sales taxes
 17 remitted by or on behalf of the hotel have constituted a portion of
 18 the total sum remitted by the state to the county for a specified
 19 period under the provisions of the Nebraska Visitors Development
 20 Act. No additional information shall be revealed.

21 (11) In all proceedings under the Nebraska Revenue Act of
 22 1967, the Tax Commissioner may act for and on behalf of the people
 23 of the State of Nebraska. The Tax Commissioner in his or her
 24 discretion may waive all or part of any penalties provided by the
 25 provisions of such act, but may not waive the minimum interest on
 26 delinquent taxes specified in section 45-104.02, as such rate may
 27 from time to time be adjusted, except interest on use taxes
 1 voluntarily reported by an individual."

2 2. On page 2, line 8; page 6, line 22; and page 15, line
 3 12, strike "8" and insert "9".

4 3. On page 29, line 16, strike "qualifying" and insert
 5 "that have qualified"; in line 21 after the period insert "Portions
 6 of the application and the forms submitted to claim credits that do
 7 not contain any federal information and other information, after
 8 properly aggregated to meet federal criteria for disclosure for
 9 statistical purposes, shall be disclosed to the Legislative Fiscal
 10 Analyst."; and in line 24 strike "any information" and after
 11 "person" insert "any information".

12 4. On page 37, line 11, after the first comma insert
 13 "77-2711,".

14 5. Renumber the remaining sections accordingly.

Senator D. Pederson filed the following amendment to LB 608:
 AM0803

(Amendments to Standing Committee amendments, AM0621)

1 1. On page 16, lines 21 through 26; page 17, line 3; and
 2 page 18, lines 7 and 14, strike the new matter and reinstate the
 3 stricken matter.

4 2. On page 18, line 22, strike "(15)" and insert "(14)".

5 3. On page 19, line 4, strike "(16)" and insert "(15)";
 6 in line 10 strike "(17)" and insert "(16)"; and in line 20 strike
 7 "(18)" and insert "(17)".

8 4. On page 22, lines 4 through 27, strike the new matter
 9 and insert "(a) An individual shall be considered a base-year
 10 employee of the taxpayer or as an employee of the taxpayer for
 11 purposes of the calculation of the number of employees during the
 12 base year and for purposes of attaining and maintaining the
 13 required number of new employees and shall be considered an
 14 employee whose compensation is included in the calculation of the
 15 compensation credit only if the compensation paid by the taxpayer
 16 to such employee for the applicable year is (i) for projects
 17 qualifying under subdivision (3)(b) of this section, at least one
 18 hundred forty percent of the minimum annual wage, and (ii) for

- 19 projects qualifying under subdivision (3)(a) of this section, at
 20 least one hundred sixty percent of the minimum annual wage.
 21 (b) For purposes of subdivision (a) of this subsection,
 22 compensation paid by the taxpayer to such employee for the year
 23 shall be the amount paid for the entire year for regular hours
 1 worked, not including overtime, bonuses, or any other irregular
 2 payments. If the employee works for less than a year, the
 3 compensation paid will be annualized solely for the purpose of
 4 comparison with the minimum annual wage.
 5 (c) For purposes of subdivision (a) of this subsection,
 6 the minimum annual wage shall be the federal minimum hourly wage
 7 multiplied by 2080. The federal minimum hourly wage on January 1
 8 shall be used for all tax years beginning or deemed to begin during
 9 that calendar year."
 10 5. On page 23, strike lines 1 through 3.

Senator Jensen filed the following amendment to LB 667:
 (Amendment, AM0821, is printed separately and available in the Bill Room,
 Room 1104.)

Senator Landis filed the following amendment to LB 608:
 AM0858

(Amendments to Standing Committee amendments, AM0621)

- 1 1. On page 30, line 25, after "(4)" insert "For all
- 2 applications files on or after the effective date of this act, the
- 3 report shall also contain the total amount of benefits used by the
- 4 taxpayers in the year. The information shall be reported by each
- 5 individual taxpayer, aggregating credits used and sales tax refunds
- 6 used during the year into a single number.
- 7 (5)"; and in line 27 strike "(5)", show as stricken, and
- 8 insert "(6)".

Senator Chambers filed the following amendment to LB 209:
 FA1201

Page 4, in line 6, reinstate the stricken word.

Senator Chambers filed the following amendment to LB 209:
 FA1202

Strike section 5.

Senator Chambers filed the following amendment to LB 209:
 FA1203

Strike original provisions and repeal outright Sections 60-498, 60-4,110,
 60-4,129, 60-6,208, 60-6,211.04, 83-1,129, 84-205, and 84-913.03, R.R.S.
 Neb., and sections 60-462, 60-479, 60-4,118.06, 60-6,196, 60-6,197,
 60-6,205 to 60-6,207, 60-6,209 and 60-6,211.05, Rev. Stat. Supp., 2002.

Senators Bromm and Mines filed the following amendment to LB 608:
 AM0845

(Amendments to Standing Committee amendments, AM0621)

- 1 1. On page 21, line 13, strike "three" and insert "one";
- 2 and in line 14 strike "twenty" and insert "ten".
- 3 2. On page 28, line 17, strike "twenty" and insert
- 4 "ten".

RESOLUTIONS

LEGISLATIVE RESOLUTION 51. Introduced by Combs, 32.

WHEREAS, Hunter Mason Shultz, of Troop 302, 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, Hunter Shultz 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. Hunter Shultz earned 32 merit badges and, for his Eagle Scout community service project, designed and constructed a bridge at Camp Jefferson, southeast of Fairbury, Nebraska; 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 13, 2003, Hunter Shultz 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Hunter Shultz on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Hunter Shultz.

Laid over.

LEGISLATIVE RESOLUTION 52. Introduced by Cunningham, 40; Wehrbein, 2; D. Pederson, 42; Engel, 17; Kremer, 34; Byars, 30; Jensen, 20; Smith, 48.

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for the cross-border world,

especially with today's greater potential for the cross-border spread of various infectious diseases, such as the human immunodeficiency virus, tuberculosis, and malaria; and

WHEREAS, Taiwan's population of 23,500,000 people is larger than that of three-fourths of the member states in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia; maternal and infant mortality rates comparable to those of western countries; the eradication of such infectious diseases as cholera, smallpox, the plagues, and polio; and providing hepatitis B vaccinations to children; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years, Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Organization has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974 and the Order of Malta and the Holy See in the early 1950's; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organization.

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

1. That, in light of all the benefits that Taiwan's participation in the World Health Organization can bring to the state of health not only in Taiwan, but also regionally and globally, the members of the Nebraska Legislature endorse observer status for Taiwan to join the World Health Organization.

2. That copies of this resolution be sent to President George W. Bush, Secretary of State Colin Powell, Secretary of Health and Human Services Tommy Thompson, United States Senator Chuck Hagel, United States Senator Ben Nelson, United States Congressman Doug Bereuter, United States Congressman Lee Terry, United States Congressman Tom Osborne, and the Taipei Economic and Cultural Office in Kansas City, Missouri.

Laid over.

LEGISLATIVE RESOLUTION 53. Introduced by Jones, 43.

WHEREAS, the Lynch Eagles boys' basketball team won the Class D-2 boys' state basketball championship with a 63-38 victory over Shickley; and

WHEREAS, the Lynch Eagles boys' basketball team was the seventh seed in the eight-team tournament; and

WHEREAS, the Lynch Eagles boy's basketball team capped its first-ever tournament championship by defeating teams seeded first, second, and sixth, winning the three games by an average of twenty points; and

WHEREAS, the Lynch Eagles boys' basketball team and its coach Kris

Freeland should be congratulated for their hard work, perseverance, and exemplary sportsmanship.

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

1. That the Legislature congratulates the Lynch Eagles boys' basketball team and Coach Kris Freeland on winning the Class D-2 boys' state basketball championship.

2. That a copy of this resolution be sent to Lynch High School.

Laid over.

LEGISLATIVE RESOLUTION 54. Introduced by Jones, 43.

WHEREAS, on March 15, 2003, the Spencer-Naper Pirates defeated the Howells Bobcats 32-31 and thereby won the title of Class D-1 State High School Boys' Basketball State Champions; and

WHEREAS, the Spencer-Naper boys' basketball team is the winner of 55 straight games and has an 82-1 record for the past three seasons; and

WHEREAS, this achievement is the result of hard work, talent, and dedication of the team members and their coach, Jim Carlson; and

WHEREAS, the communities of Spencer and Naper and the State of Nebraska can be proud of these students, their coaches, and their school.

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

1. That the Legislature congratulates the members of the Spencer-Naper boys' basketball team and their coach, Jim Carlson.

2. That a copy of this resolution be sent to Spencer-Naper High School.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 162. No objections. So ordered.

Senator Mines asked unanimous consent to have his name added as cointroducer to LB 643. No objections. So ordered.

VISITORS

Visitors to the Chamber were Anthony and Jim Ost diek from Bayard; Kelsey Razmiarek from Platte Center; Emily Schumacher from Omaha; 37 sixth-grade students and teacher from Cross County Community School, Benedict; 50 fifth-grade students and teachers from Milliken Park Elementary School, Fremont; and 11 eighth-grade students and teacher from St. Mary's School, Lincoln.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, March 18, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 18, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 18, 2003

PRAYER

The prayer was offered by Senator Jones.

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 Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

**STANDING COMMITTEE REPORTS
Transportation and Telecommunications**

LEGISLATIVE BILL 296. Placed on General File as amended.
Standing Committee amendment to LB 296:
AM0671

- 1 1. On page 2, line 14, strike "one" and insert
- 2 "one-quarter"; and in line 15 strike "signs,".

LEGISLATIVE BILL 530. Indefinitely postponed.

LEGISLATIVE BILL 729. Indefinitely postponed.

LEGISLATIVE BILL 766. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 55. Introduced by Johnson, 37.

WHEREAS, Matthew A. Jones, of Kearney, Nebraska, earned the Boy Scouts' highest honor and rank of Eagle Scout and will be awarded the

Eagle Award on Sunday, March 30, 2003; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, Matthew A. Jones fulfilled requirements in the areas of leadership, service, and outdoor skills and passed through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle; and

WHEREAS, Matthew A. Jones earned 21 merit badges, 12 in required areas, and completed a community service project approved by the troop and scout council; and

WHEREAS, only two percent of all young men who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Matthew A. Jones 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Matthew A. Jones on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Kearney.

2. That a copy of this resolution be sent to Matthew A. Jones and his family.

Laid over.

REPORTS

The following report was received by the Legislature:

Property Assessment and Taxation, Department of
Nebraska Greenbelt Advisory Committee 2002 Report

SELECT FILE

LEGISLATIVE BILL 72A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 357A. Senator Schimek renewed her pending amendment, AM0855, found on page 921.

The Schimek amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 608. The first Standing Committee amendment, FA1204, found on page 922, was renewed.

SPEAKER BROMM PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Hartnett filed the following amendment to LB 644:
AM0873

(Amendments to Standing Committee Amendments, AM0402)

- 1 1. On page 1, line 9, after the semicolon insert "and";
- 2 and strike beginning with the semicolon in line 11 through
- 3 "77-202.11" in line 18.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 52 was referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 56. Introduced by Mossey, 3.

WHEREAS, Nebraska men and women in the National Guard or Reserves have been recently called to active duty by their Commander-in-Chief; and

WHEREAS, our servicemen and servicewomen must leave family and friends and travel to distant locations throughout the United States as well as the world, and, in addition, those in the National Guard and Reserves must put careers on hold; and

WHEREAS, by serving in the armed forces of the United States our servicemen and servicewomen put their lives in harm's way for the sake of their nation; and

WHEREAS, the ability of members of the armed forces to perform their missions requires the support and sacrifice of their families; and

WHEREAS, many employers find their employees in the National Guard or Reserve called to active duty, and such employers are called upon in the spirit of patriotism to maintain job security for those mobilized personnel and their families.

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

1. That the Nebraska Legislature commends the sacrifice and commitment of all Nebraskans in the armed forces of the United States, whether on active duty, in the National Guard, or in the Reserves.

2. That the Nebraska Legislature commends the families of Nebraska servicemen and servicewomen for supporting their loved ones while bearing the burden of separation from them.

3. That the Nebraska Legislature commends Nebraska employers that support their employees in the National Guard and Reserves and maintain their job security while they are mobilized.

Laid over.

LEGISLATIVE RESOLUTION 57. Introduced by Schrock, 38.

WHEREAS, on March 15, 2003, at the Bob Devaney Sports Center, the Sutton High School Mustangs defeated West Point Central Catholic by a score of 47-42 to win the 2003 Class C-2 Nebraska State High School boys' basketball championship; and

WHEREAS, the Sutton Mustangs finished an undefeated season with 25 straight wins and no losses en route to the 2003 state title, their first since 1989; 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 Sutton High School.

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

1. That the Legislature congratulates the members of the Sutton High School Mustangs basketball team.

2. That a copy of this resolution be presented to the Mustangs head coach Steve Sponberg.

Laid over.

LEGISLATIVE RESOLUTION 58. Introduced by Schimek, 27; Tyson, 19.

WHEREAS, the city of Norfolk has conveyed to the State of Nebraska a parcel of land, in consideration of one dollar, which will be used by the Nebraska Military Department; and

WHEREAS, the Nebraska Military Department will use the property as a building site for the construction of two new Nebraska Army National Guard facilities; and

WHEREAS, one facility is an Organizational Maintenance Shop which will include six maintenance work bays, and will employ fifteen full-time, federally funded mechanics to support over one hundred tractor-trailers and other wheeled assets of the Nebraska Army National Guard; and

WHEREAS, the other facility is a Crash Rescue Facility which will support two new Engineer Firefighting Teams and includes two equipment work bays plus administrative, classroom, supply, and locker areas; and

WHEREAS, the Government, Military and Veterans Affairs Committee held a public hearing on this matter on March 14, 2003.

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

1. That the Legislature approves the gift from the city of Norfolk to the State of Nebraska of all of the real estate described as:

The Southeast Quarter of Section 4, Township 23 North, Range 1 West of the 6th P.M. in Madison County, Nebraska. The conveyance in this section describes real estate located in Madison County, Nebraska, for a total of 13.6 acres, more or less.

2. That such approval is granted with the understanding that the real estate

will be used by the Nebraska Military Department for an Organizational Maintenance Shop and a Crash Rescue Facility.

Laid over.

LEGISLATIVE RESOLUTION 59. Introduced by Byars, 30.

WHEREAS, on March 8, 2003, at the Bob Devaney Sports Center, the Freeman High School Lady Falcons defeated Falls City Sacred Heart 51-40 to win the title of 2003 Class D-1 Nebraska State High School Girls' Basketball State Champions; and

WHEREAS, this victory is the second straight state championship title for the Lady Falcons; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the members of the 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 60. Introduced by Byars, 30.

WHEREAS, on March 15, 2003, at the Bob Devaney Sports Center, the Norris High School Titans defeated Ralston and thereby won the 2003 Class B Nebraska State High School Boys' Basketball Championship; and

WHEREAS, the Titans finished a 22-3 season with 11 straight wins en route to the school's third state title since 1995 and their fourth title all-time; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the members of the Norris High School Titans basketball team.

2. That a copy of this resolution be presented to the Titans head coach Curt Carlson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 608. The first Standing Committee amendment,

FA1204, found on page 922 and considered in this day's Journal, was renewed.

Senator Brashear offered the following amendment to the first Standing Committee amendment:
AM0880

(Amendments to FA1204)

- 1 1. On page 32, lines 4 through 6, strike the new matter
- 2 and insert the following new subsection:
- 3 "(4) The changes made to sections 77-4103 to 77-4105 by
- 4 this legislative bill shall become operative for all applications
- 5 filed on or after the effective date of this act. For all
- 6 applications filed prior to the effective date of this act, the
- 7 provisions of the Employment and Investment Growth Act as they
- 8 existed immediately prior to such date shall apply."

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

Senator Maxwell 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 Brashear amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The first Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The second Standing Committee amendment is as follows:
FA1205

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 50-419, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 50-419. (1) The Legislative Fiscal Analyst shall provide
- 6 fiscal and budgetary information and assistance to the Legislature
- 7 and the Appropriations Committee. During sessions of the
- 8 Legislature he or she shall work under the direction of the
- 9 Appropriations Committee of the Legislature. During the interim
- 10 between legislative sessions he or she shall work under the
- 11 direction of the Executive Board of the Legislative Council.
- 12 The Legislative Fiscal Analyst shall provide:
- 13 (a) Factual information and recommendations concerning
- 14 the financial operations of state government;
- 15 (b) Evaluation of the requests for appropriations
- 16 contained in the executive budget and recommendations thereon;
- 17 (c) Studies of capital outlay needs for the orderly and
- 18 coordinated development of state institutions and institutional

19 programs authorized, if not otherwise provided by law; and

20 (d) Plans for legislative appropriation and control of
21 funds, with presession analysis of budgetary requirements.

22 (2) His or her duties shall also include examining or
23 auditing functions or services authorized by the Legislature to
24 determine if funds are expended according to legislative intent and
1 whether improvements in organization and performance are possible.

2 The examining function shall also include the appraisal of
3 functions for needed reforms.

4 (3) His or her duties shall be to coordinate his or her
5 activities with the budget officer of the Department of
6 Administrative Services.

7 (4) All Except for information available to the fiscal
8 analyst under section 8 of this act, all information and reports of
9 the fiscal analyst and Appropriations Committee shall be available
10 to any and all members of the Legislature.

11 (5) The Legislative Fiscal Analyst shall provide
12 revenue-forecasting information and assistance to the Legislature,
13 the Revenue Committee of the Legislature, and the Appropriations
14 Committee of the Legislature. For the purposes of this subsection,
15 he or she shall work under the direction of the Revenue Committee
16 of the Legislature and the Appropriations Committee of the
17 Legislature. The revenue-forecasting information provided under
18 this subsection shall include:

19 (a) The estimated revenue receipts for each year of the
20 following biennium;

21 (b) General Fund reserve requirements;

22 (c) A list of express obligations; and

23 (d) A summary of economic conditions affecting the State
24 of Nebraska.

25 Sec. 2. Section 77-27,119, Revised Statutes Supplement,
26 2002, is amended to read:

27 77-27,119. (1) The Tax Commissioner shall administer and
1 enforce the income tax imposed by sections 77-2714 to 77-27,135,
2 and he or she is authorized to conduct hearings, to adopt and
3 promulgate such rules and regulations, and to require such facts
4 and information to be reported as he or she may deem necessary to
5 enforce the income tax provisions of such sections, except that
6 such rules, regulations, and reports shall not be inconsistent with
7 the laws of this state or the laws of the United States. The Tax
8 Commissioner may for enforcement and administrative purposes divide
9 the state into a reasonable number of districts in which branch
10 offices may be maintained.

11 (2)(a) The Tax Commissioner may prescribe the form and
12 contents of any return or other document required to be filed under
13 the income tax provisions. Such return or other document shall be
14 compatible as to form and content with the return or document
15 required by the laws of the United States. The form shall have a
16 place where the taxpayer shall designate the high school district

17 in which he or she lives and the county in which the high school
18 district is headquartered. The Tax Commissioner shall adopt and
19 promulgate such rules and regulations as may be necessary to insure
20 compliance with this requirement.

21 (b) The State Department of Education, with the
22 assistance and cooperation of the Department of Revenue, shall
23 develop a uniform system for numbering all school districts in the
24 state. Such system shall be consistent with the data processing
25 needs of the Department of Revenue and shall be used for the school
26 district identification required by subdivision (a) of this
27 subsection.

1 (c) The proper filing of an income tax return shall
2 consist of the submission of such form as prescribed by the Tax
3 Commissioner or an exact facsimile thereof with sufficient
4 information provided by the taxpayer on the face of the form from
5 which to compute the actual tax liability. Each taxpayer shall
6 include such taxpayer's correct social security number or state
7 identification number and the school district identification number
8 of the school district in which the taxpayer resides on the face of
9 the form. A filing is deemed to occur when the required
10 information is provided.

11 (3) The Tax Commissioner, for the purpose of ascertaining
12 the correctness of any return or other document required to be
13 filed under the income tax provisions, for the purpose of
14 determining corporate income, individual income, and withholding
15 tax due, or for the purpose of making an estimate of taxable income
16 of any person, shall have the power to examine or to cause to have
17 examined, by any agent or representative designated by him or her
18 for that purpose, any books, papers, records, or memoranda bearing
19 upon such matters and may by summons require the attendance of the
20 person responsible for rendering such return or other document or
21 remitting any tax, or any officer or employee of such person, or
22 the attendance of any other person having knowledge in the
23 premises, and may take testimony and require proof material for his
24 or her information, with power to administer oaths or affirmations
25 to such person or persons.

26 (4) The time and place of examination pursuant to this
27 section shall be such time and place as may be fixed by the Tax
1 Commissioner and as are reasonable under the circumstances. In the
2 case of a summons, the date fixed for appearance before the Tax
3 Commissioner shall not be less than twenty days from the time of
4 service of the summons.

5 (5) No taxpayer shall be subjected to unreasonable or
6 unnecessary examinations or investigations.

7 (6) Except in accordance with proper judicial order or as
8 otherwise provided by law, it shall be unlawful for the Tax
9 Commissioner, any officer or employee of the Tax Commissioner, any
10 person engaged or retained by the Tax Commissioner on an
11 independent contract basis, any person who pursuant to this section

12 is permitted to inspect any report or return or to whom a copy, an
13 abstract, or a portion of any report or return is furnished, or any
14 other person to divulge, make known, or use in any manner the
15 amount of income or any particulars set forth or disclosed in any
16 report or return required except for the purpose of enforcing
17 sections 77-2714 to 77-27,135. The officers charged with the
18 custody of such reports and returns shall not be required to
19 produce any of them or evidence of anything contained in them in
20 any action or proceeding in any court, except on behalf of the Tax
21 Commissioner in an action or proceeding under the provisions of the
22 tax law to which he or she is a party or on behalf of any party to
23 any action or proceeding under such sections when the reports or
24 facts shown thereby are directly involved in such action or
25 proceeding, in either of which events the court may require the
26 production of, and may admit in evidence, so much of such reports
27 or of the facts shown thereby as are pertinent to the action or
1 proceeding and no more. Nothing in this section shall be construed
2 (a) to prohibit the delivery to a taxpayer, his or her duly
3 authorized representative, or his or her successors, receivers,
4 trustees, personal representatives, administrators, assignees, or
5 guarantors, if directly interested, of a certified copy of any
6 return or report in connection with his or her tax, (b) to prohibit
7 the publication of statistics so classified as to prevent the
8 identification of particular reports or returns and the items
9 thereof, (c) to prohibit the inspection by the Attorney General,
10 other legal representatives of the state, or a county attorney of
11 the report or return of any taxpayer who brings an action to review
12 the tax based thereon, against whom an action or proceeding for
13 collection of tax has been instituted, or against whom an action,
14 proceeding, or prosecution for failure to comply with the Nebraska
15 Revenue Act of 1967 is being considered or has been commenced, (d)
16 to prohibit furnishing to the Nebraska Workers' Compensation Court
17 the names, addresses, and identification numbers of employers, and
18 such information shall be furnished on request of the court, (e) to
19 prohibit the disclosure of information and records to a collection
20 agency contracting with the Tax Commissioner pursuant to sections
21 77-377.01 to 77-377.04, (f) to prohibit the disclosure of
22 information pursuant to section 77-4104 or 77-4110 or section 8 of
23 this act, (g) to prohibit the disclosure to the Public Employees
24 Retirement Board of the addresses of individuals who are members of
25 the retirement systems administered by the board, and such
26 information shall be furnished to the board solely for purposes of
27 its administration of the retirement systems upon written request,
1 which request shall include the name and social security number of
2 each individual for whom an address is requested, (h) to prohibit
3 the disclosure to the Department of Labor of tax return information
4 pertaining to individuals, corporations, and businesses determined
5 by the Department of Labor to be delinquent in the payment of
6 combined tax or in the repayment of benefit overpayments, and such

7 disclosure shall be strictly limited to information necessary for
8 the administration of the Employment Security Law, (i) to prohibit
9 the disclosure to the Department of Motor Vehicles of tax return
10 information pertaining to individuals, corporations, and businesses
11 determined by the Department of Motor Vehicles to be delinquent in
12 the payment of amounts due under agreements pursuant to the
13 International Fuel Tax Agreement Act, and such disclosure shall be
14 strictly limited to information necessary for the administration of
15 the act, or (j) to prohibit the disclosure under section 42-358.08
16 to any court-appointed individuals, the county attorney, any
17 authorized attorney, or the Department of Health and Human Services
18 of an absent parent's address, social security number, amount of
19 income, health insurance information, and employer's name and
20 address for the exclusive purpose of establishing and collecting
21 child or spousal support. Information so obtained shall be used
22 for no other purpose. Any person who violates this subsection
23 shall be guilty of a Class IV felony, ~~and shall upon conviction~~
24 ~~thereof be fined not less than one hundred dollars nor more than~~
25 ~~five hundred dollars, or be imprisoned not more than five years, or~~
26 ~~be both so fined and imprisoned, in the discretion of the court and~~
27 ~~shall be assessed the costs of prosecution.~~ If the offender is an
1 officer or employee of the state, he or she shall be dismissed from
2 office and be ineligible to hold any public office in this state
3 for a period of two years thereafter.

4 (7) Reports and returns required to be filed under income
5 tax provisions of sections 77-2714 to 77-27,135 shall be preserved
6 until the Tax Commissioner orders them to be destroyed.

7 (8) Notwithstanding the provisions of subsection (6) of
8 this section, the Tax Commissioner may permit the Secretary of the
9 Treasury of the United States or his or her delegates or the proper
10 officer of any state imposing an income tax, or the authorized
11 representative of either such officer, to inspect the income tax
12 returns of any taxpayer or may furnish to such officer or his or
13 her authorized representative an abstract of the return of income
14 of any taxpayer or supply him or her with information concerning an
15 item of income contained in any return or disclosed by the report
16 of any investigation of the income or return of income of any
17 taxpayer, but such permission shall be granted only if the statutes
18 of the United States or of such other state, as the case may be,
19 grant substantially similar privileges to the Tax Commissioner of
20 this state as the officer charged with the administration of the
21 income tax imposed by sections 77-2714 to 77-27,135.

22 (9) Notwithstanding the provisions of subsection (6) of
23 this section, the Tax Commissioner may permit the Postal Inspector
24 of the United States Postal Service or his or her delegates to
25 inspect the reports or returns of any person filed pursuant to the
26 Nebraska Revenue Act of 1967 when information on the reports or
27 returns is relevant to any action or proceeding instituted or being
1 considered by the United States Postal Service against such person

2 for the fraudulent use of the mails to carry and deliver false and
3 fraudulent tax returns to the Tax Commissioner with the intent to
4 defraud the State of Nebraska or to evade the payment of Nebraska
5 state taxes.

6 (10)(a) Notwithstanding the provisions of subsection (6)
7 of this section, the Tax Commissioner shall, upon written request
8 by the Auditor of Public Accounts, make tax returns and tax return
9 information open to inspection by or disclosure to officers and
10 employees of the Auditor of Public Accounts for the purpose of and
11 to the extent necessary in making an audit of the Department of
12 Revenue pursuant to section 84-304. The Auditor of Public Accounts
13 shall statistically and randomly select the tax returns and tax
14 return information to be audited based upon a computer tape
15 provided by the Department of Revenue which contains only total
16 population documents without specific identification of taxpayers.
17 The Tax Commissioner shall have the authority to approve the
18 statistical sampling method used by the Auditor of Public Accounts.
19 Confidential tax returns and tax return information shall be
20 audited only upon the premises of the Department of Revenue. All
21 audit workpapers pertaining to the audit of the Department of
22 Revenue shall be stored in a secure place in the Department of
23 Revenue.

24 (b) No officer or employee of the Auditor of Public
25 Accounts shall disclose to any person, other than another officer
26 or employee of the Auditor of Public Accounts whose official duties
27 require such disclosure, any return or return information described
1 in the Nebraska Revenue Act of 1967 in a form which can be
2 associated with or otherwise identify, directly or indirectly, a
3 particular taxpayer.

4 (c) Any person who violates the provisions of this
5 subsection shall be guilty of a Class IV felony and, in the
6 discretion of the court, may be assessed the costs of prosecution.
7 The guilty officer or employee shall be dismissed from employment
8 and be ineligible to hold any position of employment with the State
9 of Nebraska for a period of two years thereafter. For purposes of
10 this subsection, officer or employee shall include a former officer
11 or employee of the Auditor of Public Accounts.

12 (11) For purposes of subsections (10) through (13) of
13 this section:

14 (a) Tax returns shall mean any tax or information return
15 or claim for refund required by, provided for, or permitted under
16 sections 77-2714 to 77-27,135 which is filed with the Tax
17 Commissioner by, on behalf of, or with respect to any person and
18 any amendment or supplement thereto, including supporting
19 schedules, attachments, or lists which are supplemental to or part
20 of the filed return;

21 (b) Return information shall mean:

22 (i) A taxpayer's identification number and (A) the
23 nature, source, or amount of his or her income, payments, receipts,

24 deductions, exemptions, credits, assets, liabilities, net worth,
25 tax liability, tax withheld, deficiencies, overassessments, or tax
26 payments, whether the taxpayer's return was, is being, or will be
27 examined or subject to other investigation or processing or (B) any
1 other data received by, recorded by, prepared by, furnished to, or
2 collected by the Tax Commissioner with respect to a return or the
3 determination of the existence or possible existence of liability
4 or the amount of liability of any person for any tax, penalty,
5 interest, fine, forfeiture, or other imposition or offense; and
6 (ii) Any part of any written determination or any
7 background file document relating to such written determination;
8 and

9 (c) Disclosures shall mean the making known to any person
10 in any manner a return or return information.

11 (12) The Auditor of Public Accounts shall (a) notify the
12 Tax Commissioner in writing thirty days prior to the beginning of
13 an audit of his or her intent to conduct an audit, (b) provide an
14 audit plan, and (c) provide a list of the tax returns and tax
15 return information identified for inspection during the audit.

16 (13) The Auditor of Public Accounts shall, as a condition
17 for receiving tax returns and tax return information: (a) Subject
18 his or her employees to the same confidential information
19 safeguards and disclosure procedures as required of Department of
20 Revenue employees; (b) establish and maintain a permanent system of
21 standardized records with respect to any request for tax returns or
22 tax return information, the reason for such request, and the date
23 of such request and any disclosure of the tax return or tax return
24 information; (c) establish and maintain a secure area or place in
25 the Department of Revenue in which the tax returns, tax return
26 information, or audit workpapers shall be stored; (d) restrict
27 access to the tax returns or tax return information only to persons
1 whose duties or responsibilities require access; (e) provide such
2 other safeguards as the Tax Commissioner determines to be necessary
3 or appropriate to protect the confidentiality of the tax returns or
4 tax return information; (f) provide a report to the Tax
5 Commissioner which describes the procedures established and
6 utilized by the Auditor of Public Accounts for insuring the
7 confidentiality of tax returns, tax return information, and audit
8 workpapers; and (g) upon completion of use of such returns or tax
9 return information, return to the Tax Commissioner such returns or
10 tax return information, along with any copies.

11 (14) The Tax Commissioner may permit other tax officials
12 of this state to inspect the tax returns and reports filed under
13 sections 77-2714 to 77-27,135, but such inspection shall be
14 permitted only for purposes of enforcing a tax law and only to the
15 extent and under the conditions prescribed by the rules and
16 regulations of the Tax Commissioner.

17 (15) The Tax Commissioner shall compile the school
18 district information required by subsection (2) of this section.

19 Insofar as it is possible, such compilation shall include, but not
20 be limited to, the total adjusted gross income of each school
21 district in the state. The Tax Commissioner shall adopt and
22 promulgate such rules and regulations as may be necessary to insure
23 that such compilation does not violate the confidentiality of any
24 individual income tax return nor conflict with any other provisions
25 of state or federal law.

10 Sec. 4. Section 77-4101, Revised Statutes Supplement,
11 2002, is amended to read:

12 77-4101. Sections 77-4101 to 77-4112 and section 8 of
13 this act shall be known and may be cited as the Employment and
14 Investment Growth Act.

16 Sec. 8. Information about companies qualifying for
17 benefits under the Employment and Investment Growth Act that is not
18 prohibited from disclosure under federal law shall be disclosed to
19 the Legislative Fiscal Analyst for the sole purpose of using the
20 information to determine the economic benefits and costs of
21 projects. Such information shall remain confidential and shall not
22 be revealed to any person that is not employed by the fiscal
23 analyst. No officer or employee of the fiscal analyst shall
24 disclose any information to any other person that is protected by
25 state or federal confidentiality laws. Violation of this section
26 is a Class IV felony.

27 Sec. 9. Section 77-4110, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 77-4110. (1) The Tax Commissioner shall submit an annual
3 report to the Legislature no later than March 15 of each year.

4 (2) The report shall list (a) the agreements which have
5 been signed during the previous calendar year, (b) the agreements
6 which are still in effect, (c) the identity of each taxpayer, and
7 (d) the location of each project.

8 (3) The report shall also state by industry group (a) the
9 specific incentive options applied for under the Employment and
10 Investment Growth Act, (b) the refunds allowed on the investment,
11 (c) the credits earned, (d) the credits used to reduce the
12 corporate income tax and the credits used to reduce the individual
13 income tax, (e) the credits used to obtain sales and use tax
14 refunds, (f) the number of jobs created, (g) the total number of
15 employees employed in the state and at the project by the taxpayer
16 on the last day of the calendar quarter prior to the application
17 date and the total number of employees employed in the state and at
18 the project by the taxpayer on subsequent reporting dates, (h) the
19 expansion of capital investment, (i) the estimated wage levels of
20 jobs created subsequent to the application date, (j) the total
21 number of qualified applicants, (k) the projected future state
22 revenue gains and losses, (l) the sales tax refunds owed to the
23 applicants, (m) the credits outstanding, and (n) the value of
24 personal property exempted by class in each county.

25 (4) No information shall be provided in the report that

26 is protected by state or federal confidentiality laws.

27 (5) By ~~December 1, 1990~~ March 15, 2004, the Department of
1 Revenue shall prepare a report with the available information
2 required in this section for all prior years the act has been in
3 effect. Information required in this section that is not available
4 to the department for the report due ~~December 1, 1990~~ March 15,
5 2004, shall be provided in the next annual report. For tax years
6 ending prior to December 31, 2003, the department shall utilize the
7 tax return and audit records it has available. For subsequent
8 years, it shall expand its tax return and audit requirements to the
9 extent needed to provide the reports.

Senator Landis renewed his pending amendment, AM0831, found on page 933, to the second Standing Committee amendment.

Senator Mines 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 28 ayes, 0 nays, and 21 not voting.

The Landis amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Senator Landis renewed his pending amendment, AM0858, found on page 937, to the second Standing Committee amendment.

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

Senator Landis withdrew his amendment.

Senator Brashear offered the following amendment to the second Standing Committee amendment:
AM0879

(Amendments to FA1205)

1 1. Strike sections 1, 2, 4, 8, and 9 and insert the
2 following new section:
3 "Sec. 9. Section 77-4110, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 77-4110. (1) The Tax Commissioner shall submit an annual
6 report to the Legislature no later than March 15 of each year.
7 (2) The report shall list (a) the agreements which have
8 been signed during the previous calendar year, (b) the agreements
9 which are still in effect, (c) the identity of each taxpayer, and
10 (d) the location of each project.
11 (3) The report shall also state by industry group, on an
12 annual and cumulative basis since 1987, (a) the specific incentive

13 options applied for under the Employment and Investment Growth Act,
14 (b) the refunds allowed on the investment, (c) the credits earned,
15 (d) the credits used to reduce the corporate income tax and the
16 credits used to reduce the individual income tax, (e) the credits
17 used to obtain sales and use tax refunds, (f) the number of jobs
18 created, (g) the total number of employees employed in the state
19 and at the project by the taxpayer on the last day of the calendar
20 quarter prior to the application date and the total number of
21 employees employed in the state and at the project by the taxpayer
22 on subsequent reporting dates, (h) the expansion of capital
23 investment, (i) the estimated wage levels of jobs created
1 subsequent to the application date, which shall be provided as both
2 an average annual wage of the total new employees as well as the
3 number of new employees at each annual wage level up to one hundred
4 thousand dollars in five thousand dollar increments, (j) the
5 estimated average annual wage of base-year employees in the base
6 year, ~~(j)~~ (k) the total number of qualified applicants, ~~(k)~~ (l) the
7 projected future state revenue gains and losses, ~~(l)~~ (m) the sales
8 tax refunds owed to the applicants, ~~(m)~~ (n) the credits
9 outstanding, and ~~(n)~~ (o) the value of personal property exempted by
10 class in each county, ~~(p) the amount of recaptured income taxes,~~
11 (q) the amount of recaptured sales and use taxes, and (r) the
12 amount of recaptured property taxes. For purposes of subdivisions
13 (3)(i) and (4)(a) of this section, a job created subsequent to the
14 application date and a new employee means an employee hired by the
15 taxpayer after the base year and who is employed by the taxpayer at
16 the project as of the end of the applicable year. Such person's
17 annual wage shall be the compensation paid by or for the benefit of
18 the taxpayer to such person for such year, excluding overtime.
19 Such compensation paid to an employee who was employed by the
20 taxpayer for less than a full year shall be annualized to determine
21 the annual wage.
22 (4) The report shall also state by county, based on
23 project location, on an annual and cumulative basis since 1987, (a)
24 the estimated wage levels of jobs created subsequent to the
25 application date, which shall be provided as both an average of the
26 total new employees as well as the number of new employees at each
27 annual wage or salary level up to one hundred thousand dollars in
1 five thousand dollar increments, (b) the estimated average annual
2 wage of base-year employees in the base year, (c) the number of
3 jobs created, (d) the expansion of capital investment, (e) the
4 refunds of local sales and use taxes allowed on capital
5 investments, (f) the credits used to obtain local sales and use tax
6 refunds, and (g) the value of personal property exempted by class.
7 In order to maintain compliance with state or federal
8 confidentiality laws, the Tax Commissioner may combine the results
9 of more than one county and report only the combined results. For
10 projects operating in more than one county, the Tax Commissioner
11 may utilize such methodologies as he or she determines reasonably

12 allocates or apportions such project information amongst such
13 counties. Except when the Tax Commissioner determines a different
14 method is more appropriate or suitable for a taxpayer or industry,
15 an employee shall be considered employed in the county based on his
16 or her normal place of employment as of the end of the applicable
17 year.

18 (4) (5) No information shall be provided in the report
19 that is protected by state or federal confidentiality laws.
20 (5) By December 1, 1990; (6) By March 15, 2004, the
21 Department of Revenue shall prepare a report with the available
22 information required in this section for all prior years the act
23 has been in effect. Information required in this section that is
24 not available to the department for the report due December 1, 1990
25 March 15, 2004, shall be provided in the next annual report. For
26 tax years ending prior to December 31, 2003, the department shall
27 utilize the tax return and audit records it has available. For
1 subsequent years, it shall expand its tax return and audit
2 requirements to the extent needed to provide the reports."

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 756A. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 756, Ninety-eighth Legislature, First Session, 2003.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 52	Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
 Legislative Council
 Executive Board

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 209. Placed on Select File as amended.
 E & R amendment to LB 209:
 AM7089

- 1 1. On page 40, line 17, strike "60-6,208" and insert "7
2 of this act".

Correctly Engrossed

The following bills were correctly engrossed: LBs 72A and 357A.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS **Revenue**

LEGISLATIVE BILL 479. Placed on General File as amended.
(Standing Committee amendment, AM0852, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 622. Placed on General File as amended.
Standing Committee amendment to LB 622:
AM0854

- 1 1. On page 3, line 22, after the period insert "There
2 shall be no funds appropriated to the County Property Tax Relief
3 Program for fiscal years 2003-04 and 2004-05. Distributions under
4 the program will resume in fiscal year 2005-06.".

(Signed) David Landis, Chairperson

General Affairs

LEGISLATIVE BILL 533. Indefinitely postponed.
LEGISLATIVE BILL 782. Indefinitely postponed.
LEGISLATIVE BILL 801. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 608:
AM0883

(Amendments to FA1207)

- 1 1. On page 16, lines 21 through 26; page 17, line 3;
2 page 18, lines 7, 14, and 22 through 27; and page 19, lines 1
3 through 4, 10, and 20, strike the new matter and reinstate the
4 stricken matter.
5 2. On page 22, lines 4 through 27, strike the new matter
6 and insert "(a) An individual shall be considered a base-year
7 employee of the taxpayer or as an employee of the taxpayer for
8 purposes of the calculation of the number of employees during the
9 base year and for purposes of attaining and maintaining the

10 required number of new employees and shall be considered an
11 employee whose compensation is included in the calculation of the
12 compensation credit only if the compensation paid by the taxpayer
13 to such employee for the applicable year is (i) for projects
14 qualifying under subdivision (3)(b) of this section, at least one
15 hundred forty percent of the minimum annual wage, and (ii) for
16 projects qualifying under subdivision (3)(a) of this section, at
17 least one hundred sixty percent of the minimum annual wage.
18 (b) For purposes of subdivision (a) of this subsection,
19 compensation paid by the taxpayer to such employee for the year
20 shall be the amount paid for the entire year for regular hours
21 worked, not including overtime, bonuses, or any other irregular
22 payments. If the employee works for less than a year, the
23 compensation paid will be annualized solely for the purpose of
1 comparison with the minimum annual wage.
2 (c) For purposes of subdivision (a) of this subsection,
3 the minimum annual wage shall be the federal minimum hourly wage
4 multiplied by 2080. The federal minimum hourly wage on January 1
5 shall be used for all tax years beginning or deemed to begin during
6 that calendar year."
7 3. On page 23, strike lines 1 through 3.

Senator Smith filed the following amendment to LB 357:
AM0878

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
2 "Section 1. Section 32-221, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 32-221. (1) The election commissioner shall appoint
5 precinct and district inspectors, judges of election, and clerks of
6 election to assist the election commissioner in conducting
7 elections on election day. In counties with a population of less
8 than three hundred thousand inhabitants, judges and clerks of
9 election and inspectors shall be appointed at least thirty days
10 prior to the statewide primary election, shall hold office for
11 terms of two years or until their successors are appointed and
12 qualified for the next statewide primary election, and shall serve
13 at all elections in the county during their terms of office. In
14 counties with a population of three hundred thousand or more
15 inhabitants, judges and clerks of election shall be appointed at
16 least thirty days prior to the first election for which
17 appointments are necessary and shall serve for at least four
18 elections.
19 (2) Judges and clerks of election may be selected at
20 random from a cross section of the population of the county. All
21 qualified citizens shall have the opportunity to be considered for
22 service. All qualified citizens shall fulfill their obligation to
23 serve as judges or clerks of election as prescribed by the election
1 commissioner. No citizen shall be excluded from service as a

2 result of discrimination based upon race, color, religion, sex,
3 national origin, or economic status. No citizen shall be excluded
4 from service unless excused by reason of ill health or other good
5 and sufficient reason.

6 (3) All persons appointed shall be of good repute and
7 character, be able to read and write the English language, and
8 except as otherwise provided in subsection (5) of section 32-223,
9 be registered voters in the county. No candidate at an election
10 shall be appointed as a judge or clerk of election or inspector for
11 such election other than a candidate for delegate to a county,
12 state, or national political party convention.

13 (4) If a vacancy occurs in the office of judge or clerk
14 of election or inspector, the election commissioner shall fill such
15 vacancy in accordance with section 32-223. If any judge or clerk
16 of election or inspector fails to appear at the hour appointed for
17 the opening of the polls, the remaining officers shall notify the
18 election commissioner, select a registered voter to serve in place
19 of the absent officer if so directed by the election commissioner,
20 and proceed to conduct the election. If the election commissioner
21 finds that a judge or clerk of election or inspector does not
22 possess all the qualifications prescribed in this section or if any
23 judge or clerk of election or inspector is guilty of neglecting the
24 duties of the office or of any official misconduct, the election
25 commissioner shall remove the person and fill the vacancy.

26 Sec. 2. Section 32-223, Revised Statutes Supplement,
27 2002, is amended to read:

1 32-223. (1) For each precinct except as provided in
2 subsection (2) of this section, the election commissioner shall
3 appoint a precinct inspector and a receiving board to consist of at
4 least two judges and two clerks of election. The election
5 commissioner may appoint district inspectors to aid the election
6 commissioner in the performance of his or her duties and supervise
7 a group of precincts on election day.

8 (2) In precincts in which voting machines or punch card
9 voting systems are used, the receiving board shall have at least
10 three members. When more than one voting machine is used, there
11 shall be one additional member for each additional machine. When
12 more than one punch card voting device is used, the election
13 commissioner shall appoint additional members if necessary.

14 (3) The election commissioner may allow persons serving
15 on a receiving board as judges and clerks of election and precinct
16 inspectors to serve for part of the time the polls are open and
17 appoint other judges and clerks of election and precinct inspectors
18 to serve on the same receiving board for the remainder of the time
19 the polls are open.

20 (4) On each receiving board at any one time, one judge
21 and one clerk of election shall be registered voters of the
22 political party casting the highest number of votes in the county
23 for Governor or for President of the United States in the

24 immediately preceding general election, and one judge and one clerk
25 of election shall be registered voters of the political party
26 casting the next highest number of votes in the county for Governor
27 or for President of the United States in the immediately preceding
1 general election, except that one judge or clerk of election may be
2 a registered voter who is not affiliated with either of such
3 parties. If a third judge is appointed, such judge shall be a
4 registered voter of the political party casting the highest number
5 of votes in the county for Governor or for President of the United
6 States in the immediately preceding general election. All precinct
7 and district inspectors shall be divided between all political
8 parties as nearly as practicable in proportion to the number of
9 votes cast in such county at the immediately preceding general
10 election for Governor or for President of the United States by the
11 parties, respectively.

12 (5) The election commissioner may appoint a person who is
13 at least sixteen years old but is not eligible to register to vote
14 as a clerk of election. Such clerk of election shall meet the
15 requirements of subsection (3) of section 32-221, except that such
16 clerk shall not be required to be a registered voter. No more than
17 one clerk of election appointed under this subsection shall serve
18 at any precinct. A clerk of election appointed under this
19 subsection shall be considered a registered voter who is not
20 affiliated with a political party for purposes of this section.

21 Sec. 3. Section 32-230, Revised Statutes Supplement,
22 2002, is amended to read:

23 32-230. (1) As provided in subsection (5) of this
24 section, the precinct committeeman and committeewoman of each
25 political party shall appoint a receiving board consisting of three
26 judges of election and two clerks of election except as provided in
27 subsection (3) of this section and a counting board if required
1 pursuant to section 32-234 consisting of two judges of election and
2 two clerks of election. The chairperson of the county central
3 committee of each political party shall send the names of the
4 appointments to the county clerk no later than February 1 prior to
5 the primary election.

6 (2) If no names are submitted by the chairperson, the
7 county clerk shall appoint judges or clerks of election from the
8 appropriate political party. Judges and clerks of election may be
9 selected at random from a cross section of the population of the
10 county. All qualified citizens shall have the opportunity to be
11 considered for service. All qualified citizens shall fulfill their
12 obligation to serve as judges or clerks of election as prescribed
13 by the county clerk. No citizen shall be excluded from service as
14 a result of discrimination based upon race, color, religion, sex,
15 national origin, or economic status. No citizen shall be excluded
16 from service unless excused by reason of ill health or other good
17 and sufficient reason.

18 (3) In precincts in which voting machines or punch card

19 voting systems are used, the receiving board shall have at least
20 three members. When more than one voting machine is used, there
21 shall be one additional member for each additional machine. When
22 more than one punch card voting device is used, the county clerk
23 shall appoint additional members if necessary.

24 (4) The county clerk may allow persons serving on a
25 receiving board to serve for part of the time the polls are open
26 and appoint other persons to serve on the same receiving board for
27 the remainder of the time the polls are open.

1 (5) In each precinct at any one time, one judge and one
2 clerk of election shall be appointed from the political party
3 casting the highest number of votes in the county for Governor or
4 for President of the United States in the immediately preceding
5 general election, one judge and one clerk shall be appointed from
6 the political party casting the next highest number of votes in the
7 county for Governor or for President of the United States in the
8 immediately preceding general election, and one judge shall be
9 appointed from the political party casting the third highest number
10 of votes in the county for Governor or for President of the United
11 States in the immediately preceding general election. If the
12 political party casting the third highest number of votes cast less
13 than ten percent of the total vote cast in the county at the
14 immediately preceding general election, the political party casting
15 the highest number of votes at the immediately preceding general
16 election shall be entitled to two judges and one clerk. If a
17 counting board is required pursuant to section 32-234, one judge
18 and one clerk of election shall be appointed to be members of the
19 counting board from the political party casting the highest number
20 of votes for Governor or for President of the United States in the
21 county in the immediately preceding general election and one judge
22 and one clerk of election shall be appointed to be members of the
23 counting board from the political party casting the next highest
24 number of votes.

25 (6) The county clerk may appoint registered voters to
26 serve in case of a vacancy among any of the judges or clerks of
27 election or in addition to the judges and clerks in any precinct
1 when necessary to meet any situation that requires additional
2 judges and clerks. Such appointees may include registered voters
3 unaffiliated with any political party. Such appointees shall serve
4 at subsequent or special elections as determined by the county
5 clerk.

6 (7) The county clerk may appoint a person who is at least
7 sixteen years old but is not eligible to register to vote as a
8 clerk of election. Such clerk of election shall meet the
9 requirements of subsection (1) of section 32-231, except that such
10 clerk shall not be required to be a registered voter. No more than
11 one clerk of election appointed under this subsection shall serve
12 at any precinct. A clerk of election appointed under this
13 subsection shall be considered a registered voter who is not

14 affiliated with a political party for purposes of this section.

15 Sec. 4. Section 32-231, Revised Statutes Supplement,
16 2002, is amended to read:

17 32-231. (1) Each judge and clerk of election appointed
18 pursuant to section 32-230 shall (a) be of good repute and
19 character and able to read and write the English language, (b)
20 reside in the precinct in which he or she is to serve unless
21 necessity demands that personnel be appointed from another
22 precinct, (c) be a registered voter except as otherwise provided in
23 subsection (7) of section 32-230, and (d) serve for a term of two
24 years or until judges and clerks of election are appointed for the
25 next primary election. No candidate at an election shall be
26 eligible to serve as a judge or clerk of election at the same
27 election other than a candidate for a delegate to a county, state,
1 or national political party convention.

2 (2) The county clerk may appoint district inspectors to
3 aid the county clerk in the performance of his or her duties and
4 supervise a group of precincts on election day. A district
5 inspector shall meet the requirements for judges and clerks of
6 election as provided in subsection (1) of this section, shall
7 oversee the procedures of a group of polling places, and shall act
8 as the personal agent and deputy of the county clerk. The district
9 inspector shall ensure that the Election Act is uniformly enforced
10 at the polling places assigned to him or her and perform tasks
11 assigned by the county clerk. The district inspector may perform
12 all of the duties required of a judge or clerk of election."

13 2. On page 1, line 1; and page 10, line 23, strike
14 "32-308" and insert "32-221, 32-308,".

15 3. On page 1, line 3; and page 10, line 24, strike
16 "32-301" and insert "32-223, 32-230, 32-231, 32-301,".

17 4. On page 1, line 4, after the semicolon insert "to
18 change provisions for appointment of receiving boards;".

19 5. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 37, LB 73, LB 95, LB 200, LB 236, LB 255, LB 272, and LB 382. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 332. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 643. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LR 39. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 twelfth-grade students and sponsors from District 47; Lindsey Vlasin from Kearney; 22 twelfth-grade students and teacher from Clarkson; 65 members of the Council of Catholic Women from across the state; and 24 fourth-grade students and teacher from Trinity Lutheran School, Grand Island.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Synowiecki, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 19, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 19, 2003

PRAYER

The prayer was offered by Pastor Darwin Keeney, Calvary Bible-Evangelical Free Church, Wayne, 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 Quandahl who was excused; and Senator Bromm who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems

Room 1525

Thursday, March 27, 2003

12:15 p.m.

Richard DeFusco - Nebraska Investment Council

(Signed) Elaine Stuhr, Chairperson

MOTIONS - Approve Appointments

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 914: State Fire Marshal - Dennis C. Hohbein.

Voting in the affirmative, 40:

Aguilar	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Mossey	Stuhr
Brashear	Engel	Jones	Pederson, D.	Stuthman
Brown	Erdman	Kremer	Preister	Synowiecki
Burling	Foley	Kruse	Price	Thompson
Byars	Friend	Louden	Redfield	Tyson
Combs	Hudkins	Maxwell	Schimek	Vrtiska
Connealy	Janssen	McDonald	Schrock	Wehrbein

Voting in the negative, 0.

Present and not voting, 7:

Baker	Chambers	Landis	Raikes
Bourne	Hartnett	Pedersen, Dw.	

Excused and not voting, 2:

Bromm	Quandahl

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointments found on page 921: Game and Parks Commission - Mark Pinkerton, James Stuart, and William Zutavern.

Voting in the affirmative, 40:

Aguilar	Erdman	Kremer	Pedersen, Dw.	Smith
Beutler	Foley	Kruse	Pederson, D.	Stuhr
Burling	Friend	Landis	Preister	Stuthman
Byars	Hartnett	Louden	Price	Synowiecki
Combs	Hudkins	Maxwell	Raikes	Thompson
Connealy	Janssen	McDonald	Redfield	Tyson
Cudaback	Johnson	Mines	Schimek	Vrtiska
Engel	Jones	Mossey	Schrock	Wehrbein

Voting in the negative, 0.

Present and not voting, 8:

Baker	Brashear	Brown	Cunningham
Bourne	Bromm	Chambers	Jensen

Excused and not voting, 1:

Quandahl

The appointments were confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 58. Read. Considered.

LR 58 was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 42. Indefinitely postponed.
LEGISLATIVE BILL 44. Indefinitely postponed.
LEGISLATIVE BILL 108. Indefinitely postponed.
LEGISLATIVE BILL 337. Indefinitely postponed.
LEGISLATIVE BILL 338. Indefinitely postponed.
LEGISLATIVE BILL 504. Indefinitely postponed.
LEGISLATIVE BILL 508. Indefinitely postponed.
LEGISLATIVE BILL 509. Indefinitely postponed.
LEGISLATIVE BILL 545. Indefinitely postponed.
LEGISLATIVE BILL 555. Indefinitely postponed.
LEGISLATIVE BILL 571. Indefinitely postponed.
LEGISLATIVE BILL 590. Indefinitely postponed.
LEGISLATIVE BILL 620. Indefinitely postponed.
LEGISLATIVE BILL 621. Indefinitely postponed.
LEGISLATIVE BILL 673. Indefinitely postponed.
LEGISLATIVE BILL 676. Indefinitely postponed.

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 61. Introduced by Bromm, 23.

WHEREAS, the Wahoo Neumann Cavaliers boys' basketball team won the Class C-1 Boys' State High School Basketball Championship Tournament with a sixty-eight to fifty-two victory over Imperial; and

WHEREAS, the win was the forty-sixty straight for Wahoo Neumann as well as a repeat championship, the first ever for a Class C-1 team; and

WHEREAS, the team won all twenty-six games played this season; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Wahoo Neumann boys' basketball team be congratulated for their exemplary effort this season and in the tournament.

2. That a copy of this resolution be sent to Coach Mike Weiss and the Wahoo Neumann High School.

Laid over.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 451:
AM0890

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 35. Section 84-1503, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 84-1503. (1) It shall be the duty of the Public
- 5 Employees Retirement Board:
- 6 (a) To administer the retirement systems provided for in
- 7 the County Employees Retirement Act, the Judges Retirement Act, the
- 8 Nebraska State Patrol Retirement Act, the School Employees
- 9 Retirement Act, and the State Employees Retirement Act. The agency
- 10 for the administration of the retirement systems and under the
- 11 direction of the board shall be known and may be cited as the
- 12 Nebraska Public Employees Retirement Systems;
- 13 (b) To appoint a director to administer the systems under
- 14 the direction of the board. The appointment shall be subject to
- 15 the approval of the Governor and a majority of the Legislature.
- 16 The director shall be qualified by training and have at least five
- 17 years of experience in the administration of a qualified public or
- 18 private employee retirement plan. The director shall not be a
- 19 member of the board. The salary of the director shall be set by
- 20 the board. The director shall serve without term and may be
- 21 removed by the board;
- 22 (c) To provide for an equitable allocation of expenses
- 23 among the retirement systems administered by the board, and all
- 1 expenses shall be provided from the investment income earned by the
- 2 various retirement funds unless alternative sources of funds to pay
- 3 expenses are specified by law;
- 4 (d) To administer the deferred compensation program
- 5 authorized in section 84-1504;
- 6 (e) To hire an attorney, admitted to the Nebraska State
- 7 Bar Association, to advise the board in the administration of the
- 8 retirement systems listed in subdivision (a) of this subsection;
- 9 (f) To adopt and implement procedures for reporting
- 10 information by employers, as well as sampling and monitoring
- 11 procedures. The information necessary to determine membership
- 12 shall be provided by the employer. The board shall adopt and

13 promulgate rules and regulations and prescribe such forms necessary
14 to carry out this subdivision. Nothing in this subdivision shall
15 be construed to require the board to conduct onsite audits of
16 political subdivisions for compliance with statutes, rules, and
17 regulations governing the retirement systems listed in subdivision
18 (1)(a) of this section regarding membership and contributions; and
19 (g) To prescribe and furnish forms for the public
20 retirement system plan reports required to be filed pursuant to
21 sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017,
22 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, and 79-987
23 and to notify the Nebraska Retirement Systems Committee of the
24 Legislature of the failure of any governmental entity to file such
25 reports.

26 (2) In administering the retirement systems listed in
27 subdivision (1)(a) of this section, it shall be the duty of the
1 board:

2 (a) To determine, based on information provided by the
3 employer, the prior service annuity, if any, for each person who is
4 an employee of the county on the date of adoption of the retirement
5 system;

6 (b) To determine the eligibility of an individual to be a
7 member of the retirement system and other questions of fact in the
8 event of a dispute between an individual and the individual's
9 employer;

10 (c) To adopt and promulgate rules and regulations for the
11 management of the board;

12 (d) To keep a complete record of all proceedings taken at
13 any meeting of the board;

14 (e) To obtain, by a competitive, formal, and sealed
15 bidding process through the materiel division of the Department of
16 Administrative Services, actuarial services on behalf of the State
17 of Nebraska as may be necessary in the administration and
18 development of the retirement systems. Any contract for actuarial
19 services shall contain a provision allowing the actuary, without
20 prior approval of the board, to perform actuarial studies of the
21 systems as requested by entities other than the board, if notice,
22 which does not identify the entity or substance of the request, is
23 given to the board, all costs are paid by the requesting entity,
24 results are provided to the board upon being made public, and such
25 actuarial studies do not interfere with the actuary's ongoing
26 responsibility to the board. The term of the contract shall be for
27 up to three years. A competitive, formal, and sealed bidding
1 process shall be completed at least once in every three years,
2 unless the board determines that such a process would not be cost
3 effective under the circumstances and that the actuarial services
4 performed have been satisfactory, in which case the contract may
5 also contain an option for renewal without a competitive, formal,
6 and sealed bidding process for up to three additional years. An
7 actuary under contract for the State of Nebraska shall be a member

8 of the American Academy of Actuaries;

9 (f) To direct the State Treasurer to transfer funds, as
10 an expense of the retirement systems, to the Legislative Council
11 Retirement Study Fund. Such transfer shall occur beginning on or
12 after July 31, 1992, and at intervals of not less than ten years
13 and not more than fifteen years and shall be in such amounts as the
14 Legislature shall direct, except that up to seventy-five thousand
15 dollars may be transferred in FY1993-94 to assist in completing the
16 study authorized in Legislative Resolution 328, Ninety-second
17 Legislature, Second Session, 1992;

18 (g) To adopt and promulgate rules and regulations to
19 carry out the provisions of each retirement system described in
20 subdivision (1)(a) of this section, which shall include, but not be
21 limited to, the crediting of military service, direct rollover
22 distributions, and the acceptance of rollovers;

23 (h) To obtain, by a competitive, formal, and sealed
24 bidding process through the materiel division of the Department of
25 Administrative Services, auditing services for a separate
26 compliance audit of the retirement systems to be completed by
27 December 31, 1997, and from time to time thereafter at the request
1 of the Nebraska Retirement Systems Committee, to be completed not
2 more than every four years but not less than every ten years. The
3 compliance audit shall be in addition to the annual audit conducted
4 by the Auditor of Public Accounts. The compliance audit shall
5 include, but not be limited to, an examination of records, files,
6 and other documents and an evaluation of all policies and
7 procedures to determine compliance with all state and federal laws.
8 A copy of the compliance audit shall be given to the Governor, the
9 board, and the Nebraska Retirement Systems Committee and shall be
10 presented to the committee at a public hearing;

11 (i) To adopt and promulgate rules and regulations for the
12 adjustment of contributions or benefits, which shall include, but
13 not be limited to: (i) The procedures for refunding contributions,
14 adjusting future contributions or benefit payments, and requiring
15 additional contributions or repayment of benefits; (ii) the process
16 for a member, member's beneficiary, employee, or employer to
17 dispute an adjustment to contributions or benefits; and (iii)
18 notice provided to all affected persons. All notices shall be sent
19 prior to an adjustment and shall describe the process for disputing
20 an adjustment to contributions or benefits; and

21 (j) To administer all retirement system plans in a manner
22 which will maintain each plan's status as a qualified plan pursuant
23 to the Internal Revenue Code. The board shall adopt and promulgate
24 rules and regulations necessary or appropriate to maintain such
25 status including, but not limited to, rules or regulations which
26 restrict discretionary or optional contributions to a plan or which
27 limit distributions from a plan.

1 (3) The board and the Nebraska Investment Council shall
2 jointly have an analysis made of the investment return that has

3 been achieved on the assets of each retirement system administered
4 by the board. The analysis shall be prepared annually as of
5 January 1. The analysis shall be prepared by an independent
6 private organization which has demonstrated expertise to perform
7 this type of analysis and which is unrelated to any organization
8 offering investment advice or providing investment management
9 services to the retirement system. The analysis may be waived
10 jointly by the board and the council for any retirement system with
11 assets of less than ten million dollars. A copy of the analysis
12 shall be given to the board, the council, and the Nebraska
13 Retirement Systems Committee. By March 1 of each year, the
14 analysis shall be presented to the Nebraska Retirement Systems
15 Committee.

16 (4) By March 1 of each year, the board shall prepare a
17 written plan of action and shall present such plan to the Nebraska
18 Retirement Systems Committee at a public hearing. The plan shall
19 include, but not be limited to, the board's funding policy, member
20 education and informational programs, the director's duties and the
21 limits on his or her authority, an organizational structure of the
22 office of the Nebraska Public Employees Retirement Systems, and the
23 internal control structure of such office to ensure compliance with
24 state and federal laws."

25 2. On page 81, line 13, strike "and 84-1323" and insert
26 "84-1323, and 84-1503".

27 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 608. Senator Brashear renewed his pending amendment, AM0879, found on page 956, to the second Standing Committee amendment, FA1205, found on page 948.

SPEAKER BROMM PRESIDING

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

The Brashear amendment was adopted with 26 ayes, 13 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 44 and 45 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 44, 45, and 58.

GENERAL FILE

LEGISLATIVE BILL 608. Senator Beutler offered the following amendment to the second Standing Committee amendment:
AM0909

(Amendments to FA1205)

- 1 1. On page 7, line 15, strike "or" and show as stricken;
- 2 and in line 21 before the period insert ", or (k) to prohibit the
- 3 disclosure to the Legislative Program Evaluation Committee or its
- 4 staff of any information and records, otherwise confidential,
- 5 requested by the Legislative Program Evaluation Committee in
- 6 conjunction with a program evaluation authorized pursuant to the
- 7 Legislative Program Evaluation Act".

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM0909, found in this day's Journal, and replace it with his substitute amendment, AM0915, to the second Standing Committee amendment. No objections. So ordered.
AM0915

(Amendments to FA1205)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 77-27,119, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 77-27,119. (1) The Tax Commissioner shall administer and
- 5 enforce the income tax imposed by sections 77-2714 to 77-27,135,
- 6 and he or she is authorized to conduct hearings, to adopt and
- 7 promulgate such rules and regulations, and to require such facts
- 8 and information to be reported as he or she may deem necessary to
- 9 enforce the income tax provisions of such sections, except that
- 10 such rules, regulations, and reports shall not be inconsistent with
- 11 the laws of this state or the laws of the United States. The Tax
- 12 Commissioner may for enforcement and administrative purposes divide
- 13 the state into a reasonable number of districts in which branch
- 14 offices may be maintained.
- 15 (2)(a) The Tax Commissioner may prescribe the form and
- 16 contents of any return or other document required to be filed under
- 17 the income tax provisions. Such return or other document shall be
- 18 compatible as to form and content with the return or document
- 19 required by the laws of the United States. The form shall have a
- 20 place where the taxpayer shall designate the high school district
- 21 in which he or she lives and the county in which the high school
- 22 district is headquartered. The Tax Commissioner shall adopt and
- 23 promulgate such rules and regulations as may be necessary to insure

1 compliance with this requirement.

2 (b) The State Department of Education, with the
3 assistance and cooperation of the Department of Revenue, shall
4 develop a uniform system for numbering all school districts in the
5 state. Such system shall be consistent with the data processing
6 needs of the Department of Revenue and shall be used for the school
7 district identification required by subdivision (a) of this
8 subsection.

9 (c) The proper filing of an income tax return shall
10 consist of the submission of such form as prescribed by the Tax
11 Commissioner or an exact facsimile thereof with sufficient
12 information provided by the taxpayer on the face of the form from
13 which to compute the actual tax liability. Each taxpayer shall
14 include such taxpayer's correct social security number or state
15 identification number and the school district identification number
16 of the school district in which the taxpayer resides on the face of
17 the form. A filing is deemed to occur when the required
18 information is provided.

19 (3) The Tax Commissioner, for the purpose of ascertaining
20 the correctness of any return or other document required to be
21 filed under the income tax provisions, for the purpose of
22 determining corporate income, individual income, and withholding
23 tax due, or for the purpose of making an estimate of taxable income
24 of any person, shall have the power to examine or to cause to have
25 examined, by any agent or representative designated by him or her
26 for that purpose, any books, papers, records, or memoranda bearing
27 upon such matters and may by summons require the attendance of the
1 person responsible for rendering such return or other document or
2 remitting any tax, or any officer or employee of such person, or
3 the attendance of any other person having knowledge in the
4 premises, and may take testimony and require proof material for his
5 or her information, with power to administer oaths or affirmations
6 to such person or persons.

7 (4) The time and place of examination pursuant to this
8 section shall be such time and place as may be fixed by the Tax
9 Commissioner and as are reasonable under the circumstances. In the
10 case of a summons, the date fixed for appearance before the Tax
11 Commissioner shall not be less than twenty days from the time of
12 service of the summons.

13 (5) No taxpayer shall be subjected to unreasonable or
14 unnecessary examinations or investigations.

15 (6) Except in accordance with proper judicial order or as
16 otherwise provided by law, it shall be unlawful for the Tax
17 Commissioner, any officer or employee of the Tax Commissioner, any
18 person engaged or retained by the Tax Commissioner on an
19 independent contract basis, any person who pursuant to this section
20 is permitted to inspect any report or return or to whom a copy, an
21 abstract, or a portion of any report or return is furnished, or any
22 other person to divulge, make known, or use in any manner the

23 amount of income or any particulars set forth or disclosed in any
24 report or return required except for the purpose of enforcing
25 sections 77-2714 to 77-27,135. The officers charged with the
26 custody of such reports and returns shall not be required to
27 produce any of them or evidence of anything contained in them in
1 any action or proceeding in any court, except on behalf of the Tax
2 Commissioner in an action or proceeding under the provisions of the
3 tax law to which he or she is a party or on behalf of any party to
4 any action or proceeding under such sections when the reports or
5 facts shown thereby are directly involved in such action or
6 proceeding, in either of which events the court may require the
7 production of, and may admit in evidence, so much of such reports
8 or of the facts shown thereby as are pertinent to the action or
9 proceeding and no more. Nothing in this section shall be construed
10 (a) to prohibit the delivery to a taxpayer, his or her duly
11 authorized representative, or his or her successors, receivers,
12 trustees, personal representatives, administrators, assignees, or
13 guarantors, if directly interested, of a certified copy of any
14 return or report in connection with his or her tax, (b) to prohibit
15 the publication of statistics so classified as to prevent the
16 identification of particular reports or returns and the items
17 thereof, (c) to prohibit the inspection by the Attorney General,
18 other legal representatives of the state, or a county attorney of
19 the report or return of any taxpayer who brings an action to review
20 the tax based thereon, against whom an action or proceeding for
21 collection of tax has been instituted, or against whom an action,
22 proceeding, or prosecution for failure to comply with the Nebraska
23 Revenue Act of 1967 is being considered or has been commenced, (d)
24 to prohibit furnishing to the Nebraska Workers' Compensation Court
25 the names, addresses, and identification numbers of employers, and
26 such information shall be furnished on request of the court, (e) to
27 prohibit the disclosure of information and records to a collection
1 agency contracting with the Tax Commissioner pursuant to sections
2 77-377.01 to 77-377.04, (f) to prohibit the disclosure of
3 information pursuant to section 77-4110, (g) to prohibit the
4 disclosure to the Public Employees Retirement Board of the
5 addresses of individuals who are members of the retirement systems
6 administered by the board, and such information shall be furnished
7 to the board solely for purposes of its administration of the
8 retirement systems upon written request, which request shall
9 include the name and social security number of each individual for
10 whom an address is requested, (h) to prohibit the disclosure to the
11 Department of Labor of tax return information pertaining to
12 individuals, corporations, and businesses determined by the
13 Department of Labor to be delinquent in the payment of combined tax
14 or in the repayment of benefit overpayments, and such disclosure
15 shall be strictly limited to information necessary for the
16 administration of the Employment Security Law, (i) to prohibit the
17 disclosure to the Department of Motor Vehicles of tax return

18 information pertaining to individuals, corporations, and businesses
19 determined by the Department of Motor Vehicles to be delinquent in
20 the payment of amounts due under agreements pursuant to the
21 International Fuel Tax Agreement Act, and such disclosure shall be
22 strictly limited to information necessary for the administration of
23 the act, ~~or (j) to prohibit the disclosure under section 42-358.08~~
24 to any court-appointed individuals, the county attorney, any
25 authorized attorney, or the Department of Health and Human Services
26 of an absent parent's address, social security number, amount of
27 income, health insurance information, and employer's name and
1 address for the exclusive purpose of establishing and collecting
2 child or spousal support, or (k) to prohibit the disclosure to the
3 Legislative Program Evaluation Committee or its staff of any
4 information and records, otherwise confidential, requested by the
5 Legislative Program Evaluation Committee in conjunction with a
6 program evaluation authorized pursuant to the Legislative Program
7 Evaluation Act. Information so obtained shall be used for no other
8 purpose. Any person who violates this subsection shall be guilty
9 of a Class IV felony, ~~and shall upon conviction thereof be fined~~
10 ~~not less than one hundred dollars nor more than five hundred~~
11 ~~dollars, or be imprisoned not more than five years, or be both so~~
12 ~~fined and imprisoned, in the discretion of the court and shall be~~
13 ~~assessed the costs of prosecution.~~ If the offender is an officer
14 or employee of the state, he or she shall be dismissed from office
15 and be ineligible to hold any public office in this state for a
16 period of two years thereafter.

17 (7) Reports and returns required to be filed under income
18 tax provisions of sections 77-2714 to 77-27,135 shall be preserved
19 until the Tax Commissioner orders them to be destroyed.

20 (8) Notwithstanding the provisions of subsection (6) of
21 this section, the Tax Commissioner may permit the Secretary of the
22 Treasury of the United States or his or her delegates or the proper
23 officer of any state imposing an income tax, or the authorized
24 representative of either such officer, to inspect the income tax
25 returns of any taxpayer or may furnish to such officer or his or
26 her authorized representative an abstract of the return of income
27 of any taxpayer or supply him or her with information concerning an
1 item of income contained in any return or disclosed by the report
2 of any investigation of the income or return of income of any
3 taxpayer, but such permission shall be granted only if the statutes
4 of the United States or of such other state, as the case may be,
5 grant substantially similar privileges to the Tax Commissioner of
6 this state as the officer charged with the administration of the
7 income tax imposed by sections 77-2714 to 77-27,135.

8 (9) Notwithstanding the provisions of subsection (6) of
9 this section, the Tax Commissioner may permit the Postal Inspector
10 of the United States Postal Service or his or her delegates to
11 inspect the reports or returns of any person filed pursuant to the
12 Nebraska Revenue Act of 1967 when information on the reports or

13 returns is relevant to any action or proceeding instituted or being
14 considered by the United States Postal Service against such person
15 for the fraudulent use of the mails to carry and deliver false and
16 fraudulent tax returns to the Tax Commissioner with the intent to
17 defraud the State of Nebraska or to evade the payment of Nebraska
18 state taxes.

19 (10)(a) Notwithstanding the provisions of subsection (6)
20 of this section, the Tax Commissioner shall, upon written request
21 by the Auditor of Public Accounts, make tax returns and tax return
22 information open to inspection by or disclosure to officers and
23 employees of the Auditor of Public Accounts for the purpose of and
24 to the extent necessary in making an audit of the Department of
25 Revenue pursuant to section 84-304. The Auditor of Public Accounts
26 shall statistically and randomly select the tax returns and tax
27 return information to be audited based upon a computer tape

1 provided by the Department of Revenue which contains only total
2 population documents without specific identification of taxpayers.
3 The Tax Commissioner shall have the authority to approve the
4 statistical sampling method used by the Auditor of Public Accounts.
5 Confidential tax returns and tax return information shall be
6 audited only upon the premises of the Department of Revenue. All
7 audit workpapers pertaining to the audit of the Department of
8 Revenue shall be stored in a secure place in the Department of
9 Revenue.

10 (b) No officer or employee of the Auditor of Public
11 Accounts shall disclose to any person, other than another officer
12 or employee of the Auditor of Public Accounts whose official duties
13 require such disclosure, any return or return information described
14 in the Nebraska Revenue Act of 1967 in a form which can be
15 associated with or otherwise identify, directly or indirectly, a
16 particular taxpayer.

17 (c) Any person who violates the provisions of this
18 subsection shall be guilty of a Class IV felony and, in the
19 discretion of the court, may be assessed the costs of prosecution.
20 The guilty officer or employee shall be dismissed from employment
21 and be ineligible to hold any position of employment with the State
22 of Nebraska for a period of two years thereafter. For purposes of
23 this subsection, officer or employee shall include a former officer
24 or employee of the Auditor of Public Accounts.

25 (11) For purposes of subsections (10) through (13) of
26 this section:

27 (a) Tax returns shall mean any tax or information return
1 or claim for refund required by, provided for, or permitted under
2 sections 77-2714 to 77-27,135 which is filed with the Tax
3 Commissioner by, on behalf of, or with respect to any person and
4 any amendment or supplement thereto, including supporting
5 schedules, attachments, or lists which are supplemental to or part
6 of the filed return;

7 (b) Return information shall mean:

8 (i) A taxpayer's identification number and (A) the
9 nature, source, or amount of his or her income, payments, receipts,
10 deductions, exemptions, credits, assets, liabilities, net worth,
11 tax liability, tax withheld, deficiencies, overassessments, or tax
12 payments, whether the taxpayer's return was, is being, or will be
13 examined or subject to other investigation or processing or (B) any
14 other data received by, recorded by, prepared by, furnished to, or
15 collected by the Tax Commissioner with respect to a return or the
16 determination of the existence or possible existence of liability
17 or the amount of liability of any person for any tax, penalty,
18 interest, fine, forfeiture, or other imposition or offense; and

19 (ii) Any part of any written determination or any
20 background file document relating to such written determination;
21 and

22 (c) Disclosures shall mean the making known to any person
23 in any manner a return or return information.

24 (12) The Auditor of Public Accounts shall (a) notify the
25 Tax Commissioner in writing thirty days prior to the beginning of
26 an audit of his or her intent to conduct an audit, (b) provide an
27 audit plan, and (c) provide a list of the tax returns and tax
1 return information identified for inspection during the audit.

2 (13) The Auditor of Public Accounts shall, as a condition
3 for receiving tax returns and tax return information: (a) Subject
4 his or her employees to the same confidential information
5 safeguards and disclosure procedures as required of Department of
6 Revenue employees; (b) establish and maintain a permanent system of
7 standardized records with respect to any request for tax returns or
8 tax return information, the reason for such request, and the date
9 of such request and any disclosure of the tax return or tax return
10 information; (c) establish and maintain a secure area or place in
11 the Department of Revenue in which the tax returns, tax return
12 information, or audit workpapers shall be stored; (d) restrict
13 access to the tax returns or tax return information only to persons
14 whose duties or responsibilities require access; (e) provide such
15 other safeguards as the Tax Commissioner determines to be necessary
16 or appropriate to protect the confidentiality of the tax returns or
17 tax return information; (f) provide a report to the Tax
18 Commissioner which describes the procedures established and
19 utilized by the Auditor of Public Accounts for insuring the
20 confidentiality of tax returns, tax return information, and audit
21 workpapers; and (g) upon completion of use of such returns or tax
22 return information, return to the Tax Commissioner such returns or
23 tax return information, along with any copies.

24 (14) The Tax Commissioner may permit other tax officials
25 of this state to inspect the tax returns and reports filed under
26 sections 77-2714 to 77-27,135, but such inspection shall be
27 permitted only for purposes of enforcing a tax law and only to the
1 extent and under the conditions prescribed by the rules and
2 regulations of the Tax Commissioner.

3 (15) The Tax Commissioner shall compile the school
 4 district information required by subsection (2) of this section.
 5 Insofar as it is possible, such compilation shall include, but not
 6 be limited to, the total adjusted gross income of each school
 7 district in the state. The Tax Commissioner shall adopt and
 8 promulgate such rules and regulations as may be necessary to insure
 9 that such compilation does not violate the confidentiality of any
 10 individual income tax return nor conflict with any other provisions
 11 of state or federal law."
 12 2. Renumber the remaining sections and correct internal
 13 references accordingly.

Senator Jones 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 25 ayes, 0 nays, and 24 not voting.

Senator Beutler withdrew his amendment.

Pending.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 276. Indefinitely postponed.

LEGISLATIVE BILL 634. Indefinitely postponed.

LEGISLATIVE BILL 636. Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 117. Placed on General File as amended.

Standing Committee amendment to LB 117:

AM0863

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 69-1317, Revised Statutes
 4 Supplement, 2002, is amended to read:
 5 69-1317. (a)(1) All funds received under the Uniform
 6 Disposition of Unclaimed Property Act, including the proceeds from
 7 the sale of abandoned property under section 69-1316, shall be
 8 deposited by the State Treasurer in a separate trust fund from
 9 which he or she shall make prompt payment of claims allowed
 10 pursuant to the act and payment of any auditing expenses associated
 11 with the receipt of abandoned property. Before making the deposit
 12 he or she shall record the name and last-known address of each

13 person appearing from the holders' reports to be entitled to the
14 abandoned property, the name and last-known address of each insured
15 person or annuitant, and with respect to each policy or contract
16 listed in the report of a life insurance corporation, its number,
17 the name of the corporation, and the amount due. The record shall
18 be available for public inspection during business hours.

19 The record shall not be subject to public inspection or
20 available for copying, reproduction, or scrutiny by commercial or
21 professional locators of property presumed abandoned who charge any
22 service or finders' fee until twenty-four months after the names
23 from the holders' reports have been published or officially
24 disclosed.

1 A professional finders' fee shall be limited to ten
2 percent of the total amount of the property presumed abandoned. To
3 claim any such fee, the nature and location of the property must be
4 disclosed to the claimant by the finder.

5 (2) The unclaimed property records of the State
6 Treasurer, the unclaimed property reports of holders, and the
7 information derived by an unclaimed property examination or audit
8 of the records of a person or otherwise obtained by or communicated
9 to the State Treasurer may be withheld from the public. Any record
10 or information that may be withheld under the laws of this state or
11 of the United States when in the possession of such a person may be
12 withheld when revealed or delivered to the State Treasurer. Any
13 record or information that is withheld under any law of another
14 state when in the possession of that other state may be withheld
15 when revealed or delivered by the other state to the State
16 Treasurer.

17 Information withheld from the general public concerning
18 any aspect of unclaimed property shall only be disclosed to an
19 apparent owner of the property, or to the escheat, unclaimed, or
20 abandoned property administrators or officials of another state if
21 that other state accords substantially reciprocal privileges to the
22 State Treasurer.

23 (b)(1) On or after October 6, 1992, the State Treasurer
24 shall periodically transfer any balance in excess of an amount not
25 to exceed five hundred thousand dollars from the separate trust
26 fund to the General Fund no less frequently than on or before
27 November 1 and May 1 of each year, except that the total amount of
1 all such transfers shall not exceed five million dollars.

2 (2)(i) On the next succeeding November 1 after five
3 million dollars has been transferred to the General Fund in the
4 manner described in subdivision (b)(1) of this section or (ii) on
5 November 1, 1996, whichever occurs first, and on or before November
6 1 of each year thereafter, the State Treasurer shall transfer any
7 balance in excess of an amount not to exceed five hundred thousand
8 dollars from the separate trust fund to the permanent school fund.

9 (3) On July 15, 2003, the State Treasurer shall transfer
10 two hundred thousand dollars from the separate trust fund to the

11 Centralized Receipt and Distribution Fund. On September 15, 2004,
12 the State Treasurer shall transfer five hundred thousand dollars
13 from the separate trust fund to the Centralized Receipt and
14 Distribution Fund.

15 (c) Before making any deposit to the credit of the
16 permanent school fund or the General Fund, the State Treasurer may
17 deduct (1) any costs in connection with sale of abandoned property,
18 (2) any costs of mailing and publication in connection with any
19 abandoned property, ~~and~~ (3) reasonable service charges, and (4) for
20 fiscal year 2003-04, one hundred thousand dollars to aid in
21 carrying out the act and place such funds in the Unclaimed Property
22 Cash Fund which is hereby created. Any money in the Unclaimed
23 Property Cash Fund available for investment shall be invested by
24 the state investment officer pursuant to the Nebraska Capital
25 Expansion Act and the Nebraska State Funds Investment Act.
26 Sec. 2. Section 81-1111, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 81-1111. (1) Subject to the supervision of the Director
2 of Administrative Services, the Accounting Administrator shall have
3 the authority to prescribe the system of accounts and accounting to
4 be maintained by the state and its departments and agencies,
5 develop necessary accounting policies and procedures, coordinate
6 and approve all proposed financial systems, and manage all
7 accounting matters of the state's central system subject to use of
8 the centralized system for receipt and deposit of funds created by
9 the State Treasurer under section 84-602. There shall be created
10 three separate bureaus to be supervised by the Accounting
11 Administrator: The accounting bureau, the management systems and
12 studies bureau, and the social security administration bureau.

13 (2) The accounting bureau shall monitor all departments
14 and agencies authorized by the Director of Administrative Services
15 to perform their own preaudits.

16 (3) For all departments and agencies not authorized by
17 the director to perform their own preaudit, the accounting bureau:

18 (a) Shall be responsible for the preaudit and control of
19 all vouchers and payrolls equal to or exceeding one thousand five
20 hundred dollars in order to assure the legality of all
21 transactions, to insure that all vouchers for payment are within
22 the approved budget, and to insure that adequate cash is available
23 for payment;

24 (b) Shall preaudit all audit-sensitive areas, including,
25 but not limited to:

26 (i) Employee-related expenses such as expense vouchers,
27 direct-bill lodging and airfare, moving expenses, tuition

1 assistance, and employee recognition programs;

2 (ii) Expenses pertaining to conferences, including items
3 such as food, lodging, and honorariums; and

4 (iii) Encumbrance liquidations between bienniums;

5 (c) May, with the approval of the Accounting

6 Administrator, preaudit and control vouchers and payrolls less than
7 one thousand five hundred dollars and may require additional
8 documentation as necessary in order to reasonably assure the
9 legality of all such transactions, to insure that all such vouchers
10 for payment are within the approved budget, and to insure that
11 adequate cash is available for payment;

12 (d) Shall require supporting documentation of
13 transactions that are preaudited to be provided with the voucher to
14 the accounting bureau by the department, agency, division, or
15 office whose transaction is being preaudited. Such supporting
16 documentation shall include, but not be limited to, the original
17 invoice, payment request, or other documentation as established by
18 the Accounting Administrator;

19 (e) May, with the approval of the Accounting
20 Administrator, provide for alternative preaudit and documentation
21 requirements for refunds and state aid payments;

22 (f) Shall call to the attention of the director all
23 vouchers or payments which seem to be in violation of the laws of
24 the state and to the attention of the director and the budget
25 administrator all vouchers for payments which are inconsistent with
26 the approved budget; and

27 (g) Shall undertake the writing of all warrants for the
1 department and shall implement in all departments and agencies of
2 state government an effective double entry system of financial and
3 budgetary control accounting for all revenue and expenditures of
4 all departments and agencies of the state, which system shall
5 develop costs by programs, subprograms, activities, or objects of
6 expenditures and shall allow for comparison between budgeted and
7 actual expenditure.

8 (4) The management systems and studies bureau shall be
9 responsible for systematically reviewing on a regular basis
10 activities of state agencies and departments to determine that
11 adequate internal controls exist within all departments and
12 agencies and to assure that proper accounting methods are employed.
13 The bureau shall receive copies of all audits performed by or for
14 the Auditor of Public Accounts of the financial status and
15 conditions in all state departments and agencies. The bureau shall
16 be available to consult with all governmental departments and
17 agencies in training their staff and developing efficient work flow
18 within such departments and agencies and shall provide such
19 departments and agencies with appropriate accounting reports,
20 summaries, and analyses prepared by the accounting division as are
21 necessary to effectively administer these departments and agencies.
22 The bureau shall establish a system for receiving and disbursing
23 funds associated with any financing agreement.

24 (5) The social security administration bureau shall be
25 responsible for the administration of social security
26 responsibilities of the state. Its duties, powers, and
27 responsibilities and its staff, equipment, and records shall be

1 subject to the supervision of the Accounting Administrator. The
2 Accounting Administrator shall also be the state social security
3 administrator.

4 Sec. 3. Section 84-602, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 84-602. It shall be the duty of the State Treasurer:

7 (1) To receive and keep all money of the state not
8 expressly required to be received and kept by some other person;

9 (2) To disburse the public money upon warrants drawn upon
10 the state treasury according to law, and not otherwise;

11 (3) To keep a just, true, and comprehensive account of
12 all money received and disbursed;

13 (4) To keep a just account with each fund, and each ~~head~~
14 item of appropriation made by law, and the warrants drawn against
15 them;

16 (5) To render a full statement to the Department of
17 Administrative Services, of all money received by ~~him~~ the State
18 Treasurer from whatever source, and if on account of revenue, for
19 what year; of all penalties and interest on delinquent taxes
20 reported or accounted for to ~~him~~ the State Treasurer, and of all
21 disbursements of public funds; with a list, in numerical order, of
22 all warrants redeemed, the name of the payee, amount, interest, and
23 total amount allowed thereon, and with the amount of the balance of
24 the several funds unexpended; which statement shall be made on the
25 first day of December, March, June, and September, and more often
26 if required;

27 (6) To report to the Legislature as soon as practicable,
1 but within ten days after the commencement of each regular session,
2 a detailed statement of the condition of the treasury, and its
3 operations for the preceding fiscal year;

4 (7) To give information in writing to the Legislature,
5 whenever required, upon any subject connected with the treasury or
6 touching any duty of ~~his~~ the State Treasurer's office; ~~and~~
7 (8) To account for, and pay over, all money received by
8 ~~him~~ the State Treasurer as ~~such~~ treasurer, to ~~his~~ the successor in
9 office, and deliver all books, vouchers, and effects of office to
10 ~~him~~ such successor; and such successor shall receipt therefor. In
11 accounting for and paying over such money the ~~treasurer~~ State
12 Treasurer shall not be held liable on account of any loss
13 occasioned by any investment, when such investment ~~shall have~~ has
14 been made pursuant to the direction of the state investment
15 officer; ~~and~~

16 (9) To create a demonstration project and implementation
17 plan for a centralized system for receipt and deposit of all funds
18 paid by mail to the State of Nebraska. The centralized system
19 shall include a central receiving point for payments to the state
20 made through the mail and a distribution system for documents
21 accompanying those payments that are received in the mail. As part
22 of the centralized system, the State Treasurer shall immediately

23 provide to each state agency participating in the demonstration
24 project an electronic copy of all checks and other documents
25 received in a format compatible with the agency's computer system
26 and shall distribute paper copies of the documents in a timely
27 manner to the state agency. Only state agencies participating in
1 the demonstration project shall utilize the centralized system.
2 During the demonstration project, the treasurer shall coordinate
3 meetings with all state agencies, other than the courts and
4 quasijudicial agencies, to determine the feasibility of permanent
5 implementation of the centralized system. On a date determined by
6 the treasurer, all state agencies, other than the courts and
7 quasijudicial agencies, shall submit to the treasurer a report
8 detailing specific configuration, costs, and operational issues
9 that would arise with permanent implementation of the centralized
10 system. No later than September 1, 2004, the treasurer shall
11 report to the Legislature and the Governor regarding the
12 feasibility of permanent implementation of the centralized system.
13 Sec. 4. The Centralized Receipt and Distribution Fund is
14 created. The fund shall be used by the State Treasurer to
15 implement, manage, and maintain the centralized system for receipt
16 and deposit of funds created by the treasurer under section 84-602.
17 Any money in the fund available for investment shall be invested by
18 the state investment officer pursuant to the Nebraska Capital
19 Expansion Act and the Nebraska State Funds Investment Act.
20 Sec. 5. Original sections 81-1111 and 84-602, Reissue
21 Revised Statutes of Nebraska, and section 69-1317, Revised Statutes
22 Supplement, 2002, are repealed.
23 Sec. 6. Since an emergency exists, this act takes effect
24 when passed and approved according to law."

LEGISLATIVE BILL 444. Placed on General File as amended.
(Standing Committee amendment, AM0856, is printed separately and
available in the Bill Room, Room 1104.)

(Signed) DiAnna R. Schimek, Chairperson

Urban Affairs

LEGISLATIVE BILL 499. Placed on General File as amended.
Standing Committee amendment to LB 499:
AM0877

- 1 1. On page 2, lines 12, 13, and 20, strike
- 2 "seventy-fifth" and insert "one hundred eightieth"; and in line 21
- 3 after "no" insert "single".

LEGISLATIVE BILL 719. Placed on General File as amended.
Standing Committee amendment to LB 719:
AM0876

- 1 1. Strike original section 3 and insert the following

2 new section:

3 "Sec. 3. Section 18-1741.02, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 18-1741.02. Any person found guilty of a handicapped
6 parking infraction shall be fined (1) not less than fifty dollars
7 nor more than one hundred dollars for the first offense, (2) not
8 less than one hundred dollars nor more than two hundred dollars for
9 a second offense within a one-year period, and (3) not less than
10 one hundred fifty dollars nor more than three hundred dollars for a
11 third or subsequent offense within a one-year period."
12 2. On page 3, strike beginning with "the" in line 21
13 through "disability" in line 23 and insert "a completed medical
14 form evidencing a permanent disability as required by this
15 section".

LEGISLATIVE BILL 721. Placed on General File as amended.
Standing Committee amendment to LB 721:
AM0875

1 1. Strike original sections 1 and 2 and insert the
2 following new sections:
3 "Section 1. Section 31-727, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 31-727. (1)(a) A majority of the owners having an
6 interest in the real property within the limits of a proposed
7 sanitary and improvement district, situated in one or more counties
8 in this state, may form a sanitary and improvement district for the
9 purposes of installing electric service lines and conduits, a sewer
10 system, a water system, an emergency management warning system, a
11 system of sidewalks, public roads, streets, and highways, public
12 waterways, docks, or wharfs, and related appurtenances, contracting
13 for water for fire protection and for resale to residents of the
14 district, contracting for police protection and security services,
15 and contracting for gas and for electricity for street lighting for
16 the public streets and highways within such proposed district,
17 constructing and contracting for the construction of dikes and
18 levees for flood protection for the district, and acquiring,
19 improving, and operating public parks, playgrounds, and
20 recreational facilities.
21 (b) The sanitary and improvement district may also
22 contract with a county within which all or a portion of such
23 sanitary and improvement district is located or a city within whose
24 zoning jurisdiction such sanitary and improvement district is
1 located for any public purpose specifically authorized in this
2 section.
3 (c) Sanitary and improvement districts located in any
4 county which has a city of the metropolitan class within its
5 boundaries or in any adjacent county which has adopted a
6 comprehensive plan may contract with other sanitary and improvement
7 districts to acquire, build, improve, and operate public parks,

8 playgrounds, and recreational facilities for the joint use of the
9 residents of the contracting districts.

10 (d) Nothing in this section shall authorize districts to
11 purchase electric service and resell the same.

12 (e) The district, in lieu of establishing its own water
13 system, may contract with any utilities district, municipality, or
14 corporation for the installation of a water system and for the
15 provision of water service for fire protection and for the use of
16 the residents of the district.

17 (f) For the purposes listed in this section, such
18 majority of the owners may make and sign articles of association in
19 which shall be stated ~~(a)~~ (i) the name of the district, ~~(b)~~ (ii)
20 that the district will have perpetual existence, ~~(c)~~ (iii) the
21 limits of the district, ~~(d)~~ (iv) the names and places of residence
22 of the owners of the land in the proposed district, ~~(e)~~ (v) the
23 description of the several tracts of land situated in the district
24 owned by those who may organize the district, ~~(f)~~ (vi) the name or
25 names and the description of the real estate owned by such owners
26 as do not join in the organization of the district but who will be
27 benefited thereby, and ~~(g)~~ (vii) whether the purpose of the
1 corporation is installing gas and electric service lines and
2 conduits, installing a sewer system, installing a water system,
3 installing a system of public roads, streets, and highways, public
4 waterways, docks, or wharfs, and related appurtenances, contracting
5 for water for fire protection and for resale to residents of the
6 district, contracting for police protection and security services,
7 contracting for street lighting for the public streets and highways
8 within the proposed district, constructing or contracting for the
9 construction of dikes and levees for flood protection of the
10 proposed district, acquiring, improving, and operating public
11 parks, playgrounds, and recreational facilities, or, when permitted
12 by this section, contracting with other sanitary and improvement
13 districts to acquire, build, improve, and operate public parks,
14 playgrounds, and recreational facilities for the joint use of the
15 residents of the contracting districts, contracting for any public
16 purpose specifically authorized in this section, or combination of
17 any one or more of such purposes, or all of such purposes. Such
18 owners of real estate as are unknown may also be set out in the
19 articles as such.

20 (g) No sanitary and improvement district may own or hold
21 land in excess of ten acres, unless such land so owned and held by
22 such district is actually used for a public purpose, as provided in
23 this section, within three years of its acquisition. Any sanitary
24 and improvement district which has acquired land in excess of ten
25 acres in area and has not devoted the same to a public purpose, as
26 set forth in this section, within three years of the date of its
27 acquisition, shall devote the same to a use set forth in this
1 section or shall divest itself of such land. When a district
2 divests itself of land pursuant to this section, it shall do so by

3 sale at public auction to the highest bidder after notice of such
4 sale has been given by publication at least three times for three
5 consecutive weeks prior to the date of sale in a legal newspaper of
6 general circulation within the area of the district.

7 (2) The articles of association shall further state that
8 the owners of real estate so forming the district for such purposes
9 are willing and obligate themselves to pay the tax or taxes which
10 may be levied against all the property in the district and special
11 assessments against the real property benefited which may be
12 assessed against them to pay the expenses that may be necessary to
13 install a sewer or water system or both a sewer and water system,
14 the cost of water for fire protection, the cost of grading,
15 changing grade, paving, repairing, graveling, regaveling,
16 widening, or narrowing sidewalks and roads, resurfacing or relaying
17 existing pavement, or otherwise improving any public roads,
18 streets, or highways within the district, including protecting
19 existing sidewalks, streets, highways, and roads from floods or
20 erosion which has moved within fifteen feet from the edge of such
21 sidewalks, streets, highways, or roads, regardless of whether such
22 flooding or erosion is of natural or artificial origin, the cost of
23 constructing public waterways, docks, or wharfs, and related
24 appurtenances, the cost of constructing or contracting for the
25 construction of dikes and levees for flood protection for the
26 district, the cost of contracting for water for fire protection and
27 for resale to residents of the district, the cost of contracting
1 for police protection and security services, the cost of
2 electricity for street lighting for the public streets and highways
3 within the district, the cost of installing gas and electric
4 service lines and conduits, the cost of acquiring, improving, and
5 operating public parks, playgrounds, and recreational facilities,
6 and, when permitted by this section, the cost of contracting for
7 building, acquiring, improving, and operating public parks,
8 playgrounds, and recreational facilities, and the cost of
9 contracting for any public purpose specifically authorized in this
10 section, as provided by law.

11 (3) The articles shall propose the names of five or more
12 trustees who are (a) owners of real estate located in the proposed
13 district or (b) their designees if the real estate is owned by a
14 limited partnership, a general partnership, a limited liability
15 company, a public, private, or municipal corporation, an estate, or
16 a trust. These five persons shall ~~to~~ serve as a board of trustees
17 until their successors are elected and qualified if such district
18 is organized. No corporation formed or hereafter formed shall
19 perform any new functions, other than those for which the
20 corporation was formed, without amending its articles of
21 association to include the new function or functions.

22 (4) After the articles are signed, the same shall be
23 filed in the office of the clerk of the district court of the
24 county in which such sanitary and improvement district is located

25 or, if such sanitary and improvement district is composed of tracts
26 or parcels of land in two or more different counties, in the office
27 of the clerk of the district court for the county in which the
1 greater portion of such proposed sanitary and improvement district
2 is located, together with a petition praying that the same may be
3 declared a sanitary and improvement district under sections 31-727
4 to 31-762.

5 (5) Notwithstanding the repeal of sections 31-701 to
6 31-726.01 by Laws 1996, LB 1321:

7 (a) Any sanitary and improvement district organized
8 pursuant to such sections and in existence on July 19, 1996, shall,
9 after the effective date of this act, be treated for all purposes
10 as if formed and organized pursuant to sections 31-727 to 31-762;

11 (b) Any act or proceeding, performed or conducted by a
12 sanitary and improvement district organized pursuant to such
13 repealed sections shall be deemed lawful and within the authority
14 of such sanitary and improvement district to perform or conduct
15 after the effective date of this act; and

16 (c) Any trustees of a sanitary and improvement district
17 organized pursuant to such repealed sections and lawfully elected
18 pursuant to such repealed sections or in conformity with the
19 provisions of sections 31-727 to 31-762 shall be deemed for all
20 purposes, on and after the effective date of this act, to be lawful
21 trustees of such sanitary and improvement district for the term
22 provided by such sections. Upon the expiration of the term of
23 office of a trustee or at such time as there is a vacancy in the
24 office of any such trustee prior to the expiration of his or her
25 term, his or her successors or replacement shall be elected
26 pursuant to sections 31-727 to 31-762.

27 (6) For the purposes of sections 31-727 to 31-762 and
1 31-771 to 31-780, unless the context otherwise requires:

2 (a) Public waterways ~~shall mean~~ means artificially
3 created boat channels dedicated to public use and providing access
4 to navigable rivers or streams;

5 (b) Operation and maintenance expenses ~~shall mean~~ means
6 and ~~include~~ includes, but is not be limited to, salaries, cost of
7 materials and supplies for operation and maintenance of the
8 district's facilities, cost of ordinary repairs, replacements, and
9 alterations, cost of surety bonds and insurance, cost of audits and
10 other fees, and taxes;

11 (c) Capital outlay ~~shall mean~~ means expenditures for
12 construction or reconstruction of major permanent facilities having
13 an expected long life, including, but not limited to, street paving
14 and curbs, storm and sanitary sewers, and other utilities;

15 (d) Warrant ~~shall mean~~ means an investment security under
16 article 8, Uniform Commercial Code, in the form of a short-term,
17 interest-bearing order payable on a specified date issued by the
18 board of trustees or administrator of a sanitary and improvement
19 district to be paid from funds expected to be received in the

20 future, ~~including and includes~~, but is not limited to, property tax
21 collections, special assessment collections, and proceeds of sale
22 of general obligation bonds;
23 (e) General obligation bond ~~shall mean means~~ an
24 investment security under article 8, Uniform Commercial Code, in
25 the form of a long-term, written promise to pay a specified sum of
26 money, referred to as the face value or principal amount, at a
27 specified maturity date or dates in the future, plus periodic
1 interest at a specified rate; and
2 (f) Administrator ~~shall mean means~~ the person appointed
3 by the Auditor of Public Accounts pursuant to section 31-771 to
4 manage the affairs of a sanitary and improvement district and to
5 exercise the powers of the board of trustees during the period of
6 the appointment to the extent prescribed in sections 31-727 to
7 31-780.
8 Sec. 2. Section 31-730, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 31-730. Such petition, and objections if any, shall be
11 heard by the court without any unnecessary delay and should the
12 court determine that the formation of such district will be
13 conducive to the public health, convenience, or welfare, the
14 district court shall declare the sanitary and improvement district
15 a public corporation of this state and shall declare five of the
16 trustees nominated, or in case of objection thereto, other suitable
17 trustees who shall be (a) owners of real estate located in the
18 district or (b) designated to serve as a representative on the
19 board of trustees if the real estate is owned by a limited
20 partnership, a general partnership, a limited liability company, a
21 public, private, or municipal corporation, an estate, or a trust,
22 to be the board of trustees of said such corporation to serve until
23 their successors are elected and qualified. In case If any owner
24 of real estate located in the proposed district shall satisfy
25 satisfies the court that his or her real estate, or any part
26 thereof, will not be benefited thereby, then the court may exclude
27 such real estate as will not be benefited and declare the remainder
1 a district as prayed for. No lands included within any municipal
2 corporation shall be included in any sanitary and improvement
3 district, and no tract of twenty acres or more which is outside any
4 municipal corporation and is used primarily for industrial purposes
5 shall be included in any sanitary and improvement district
6 organized under sections 31-727 to 31-762 without the written
7 consent of the owner of such tract."

(Signed) D. Paul Hartnett, Chairperson

Agriculture

LEGISLATIVE BILL 754. Placed on General File as amended.
Standing Committee amendment to LB 754:

AM0912

- 1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. The Legislature finds that livestock
4 production has traditionally served a significant role in the
5 economic vitality of rural areas of the state and in the state's
6 overall economy and that the growth and vitality of the state's
7 livestock sector is critical for the continued prosperity of the
8 state and its citizens. The Legislature further finds that trends
9 in livestock production suggest a need to identify and address
10 factors that impact the viability and expansion of livestock
11 production. Those factors include the impact of livestock
12 production on the state's economy and its communities, all
13 applicable regulatory agencies, and the latest technology available
14 to enhance the livestock industry. It is the intent of the
15 Legislature to seek means to nurture and support the livestock
16 sector of this state.
- 17 Sec. 2. (1) The Director of Agriculture shall establish
18 a process, including criteria and standards, to recognize and
19 assist efforts by counties to maintain or expand their livestock
20 sector. A county that meets the criteria may apply to the director
21 to be designated a livestock friendly county. A county may remove
22 itself from the process at any time. Such criteria and standards
23 may include, but are not limited to, the following factors:
24 Consideration for the diversity of activities and initiatives
1 currently underway or being initiated by counties; a formal
2 expression of interest by a county board in developing the
3 livestock production and processing sectors of such county's
4 economy; an assurance that such county intends to work with all
5 other governmental jurisdictions within its boundaries in
6 implementing livestock development within the county; flexible and
7 individual treatment allowing each county to design its own
8 development program according to its own timetable; and a
9 commitment to compliance with the Livestock Waste Management Act.
- 10 (2) In order to assist any county with information and
11 technology, the Department of Agriculture shall establish a
12 resource data base to provide, upon written request of the county
13 zoning authority or county board, information sources that could be
14 useful in evaluating and crafting livestock facility conditional
15 use permits that meet the objectives of the county and the
16 livestock producer applicant.
- 17 (3) The Department of Agriculture shall adopt and
18 promulgate rules and regulations to carry out this section.
- 19 Sec. 3. Section 23-114.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:
21 23-114.01. (1) In order to avail itself of the powers
22 conferred by section 23-114, the county board shall appoint a
23 planning commission to be known as the county planning commission.
24 The members of the commission shall be residents of the county to

25 be planned and shall be appointed with due consideration to
26 geographical and population factors. Since the primary focus of
27 concern and control in county planning and land-use regulatory
1 programs is the unincorporated area, a majority of the members of
2 the commission shall be residents of unincorporated areas, except
3 that this requirement shall not apply to joint planning
4 commissions. Members of the commission shall hold no county or
5 municipal office, except that a member may also be a member of a
6 city, village, or other type of planning commission. The term of
7 each member shall be three years, except that approximately
8 one-third of the members of the first commission shall serve for
9 terms of one year, one-third for terms of two years, and one-third
10 for terms of three years. All members shall hold office until
11 their successors are appointed. Members of the commission may be
12 removed by a majority vote of the county board for inefficiency,
13 neglect of duty, or malfeasance in office or other good and
14 sufficient cause upon written charges being filed with the county
15 board and after a public hearing has been held regarding such
16 charges. Vacancies occurring otherwise than through the expiration
17 of terms shall be filled for the unexpired terms by individuals
18 appointed by the county board. Members of the commission shall be
19 compensated for their actual and necessary expenses incurred in
20 connection with their duties in an amount to be fixed by the county
21 board. Reimbursement for mileage shall be made at the rate
22 provided in section 81-1176. Each county board may provide a per
23 diem payment for members of the commission of not to exceed fifteen
24 dollars for each day that each such member attends meetings of the
25 commission or is engaged in matters concerning the commission, but
26 no member shall receive more than one thousand dollars in any one
27 year. Such per diem payments shall be in addition to and separate
1 from compensation for expenses.

2 (2) The commission: (a) Shall prepare and adopt as its
3 policy statement a comprehensive development plan and such
4 implemental means as a capital improvement program, subdivision
5 regulations, building codes, and a zoning resolution; (b) shall
6 consult with and advise public officials and agencies, public
7 utilities, civic organizations, educational institutions, and
8 citizens relating to the promulgation of implemental programs; (c)
9 may delegate authority to any of the groups named in subdivision
10 (b) of this subsection to conduct studies and make surveys for the
11 commission; and (d) shall make preliminary reports on its findings
12 and hold public hearings before submitting its final reports. The
13 county board shall not hold its public meetings or take action on
14 matters relating to the comprehensive development plan, capital
15 improvements, building codes, subdivision development, or zoning
16 until it has received the recommendations of the commission.

17 (3) The commission may, with the consent of the governing
18 body, in its own name: Make and enter into contracts with public
19 or private bodies; receive contributions, bequests, gifts, or

20 grants of funds from public or private sources; expend the funds
21 appropriated to it by the county board; employ agents and
22 employees; and acquire, hold, and dispose of property. The
23 commission may, on its own authority: Make arrangements consistent
24 with its program; conduct or sponsor special studies or planning
25 work for any public body or appropriate agency; receive grants,
26 remuneration, or reimbursement for such studies or work; and at its
27 public hearings, summon witnesses, administer oaths, and compel the
1 giving of testimony.

2 (4) In all counties in the state, the county planning
3 commission may grant conditional uses or special exceptions to
4 property owners for the use of their property if the county board
5 of commissioners or supervisors has officially and generally
6 authorized the commission to exercise such powers and has approved
7 the standards and procedures the commission adopted for equitably
8 and judiciously granting such conditional uses or special
9 exceptions. The granting of a conditional use permit or special
10 exception shall only allow property owners to put their property to
11 a special use if it is among those uses specifically identified in
12 the county zoning regulations as classifications of uses which may
13 require special conditions or requirements to be met by the owners
14 before a use permit or building permit is authorized. The
15 applicant for a conditional use permit or special exception may
16 request a final determination by the county planning commission,
17 and upon request the commission shall issue such final
18 determination in a timely manner. Such final determination may be
19 issued subject to such conditions as are identified by the
20 commission, including, but not limited to, the obtaining of
21 applicable state or federal permits.

22 (5) The power to grant conditional uses or special
23 exceptions as set forth in subsection (4) of this section shall be
24 the exclusive authority of the commission, except that the county
25 board of commissioners or supervisors may choose to retain for
26 itself the power to grant conditional uses or special exceptions
27 for those classifications of uses specified in the county zoning
1 regulations. The county board of commissioners or supervisors may
2 exercise such power if it has formally adopted standards and
3 procedures for granting such conditional uses or special exceptions
4 in a manner that is equitable and which will promote the public
5 interest.

6 (6) Whenever a county planning commission or county board
7 is authorized to grant conditional uses or special exceptions
8 pursuant to subsection (4) of this section, the planning commission
9 or county board shall, with its decision to grant or deny a
10 conditional use permit or special exception, issue a statement of
11 factual findings arising from the record of proceedings that
12 support the granting or denial of the conditional use permit or
13 special exception. If a county planning commission's role is
14 advisory to the county board, the county planning commission shall

15 submit such statement with its recommendation to the county board
16 as to whether to approve or deny a conditional use permit or
17 special exception.
18 Sec. 4. Original section 23-114.01, Reissue Revised
19 Statutes of Nebraska, is repealed.
20 Sec. 5. Since an emergency exists, this act takes effect
21 when passed and approved according to law."

(Signed) Bob Kremer, Chairperson

AMENDMENTS - Print in Journal

Senators Landis and Friend filed the following amendment to LB 148:
(Amendment, AM0897, is printed separately and available in the Bill Room,
Room 1104.)

Senator Thompson filed the following amendment to LB 546:
AM0775

- 1 1. On page 5, line 1, after the period insert "A bar
- 2 shall not share any common entryway or common indoor area with any
- 3 other enclosed indoor workplace, including any business that
- 4 prepares or serves food."

RESOLUTION

LEGISLATIVE RESOLUTION 62. Introduced by Beutler, 28; Raikes,
25; Hudkins, 21; Landis, 46; Byars, 30; Schimek, 27; Price, 26.

WHEREAS, the Lincoln High School boys' basketball team won the
Class A Boys' State High School Basketball Championship with a
forty-three to thirty-eight victory over Lincoln Southeast; and

WHEREAS, this is Lincoln High's first state basketball title since 1959;
and

WHEREAS, the Legislature should recognize the academic, athletic,
artistic, and other achievements of the youth of our state.

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

1. That the Lincoln High School boys' basketball team be congratulated
for their outstanding achievement this season and in the Boys' State High
School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Russ Uhing and to
Lincoln High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 608. Senator Beutler offered the following
amendment to the second Standing Committee amendment:

AM0903

(Amendments to FA1205)

- 1 1. Insert the following new section:
- 2 "Sec. 10. The Clerk of the Legislature shall deliver to
- 3 each member of the Nebraska congressional delegation the following
- 4 request from the Nebraska Legislature: The Nebraska Legislature
- 5 believes that state economic development incentives create economic
- 6 distortions in the national economic system and cause the states to
- 7 compete against one another to retain businesses at great expense
- 8 to the taxpayers of the states. The Nebraska Legislature requests
- 9 its congressional delegation to introduce and enact federal
- 10 legislation which would effectively curtail the use of economic
- 11 incentives by the states while insuring a fair playing field with
- 12 respect to economic competition between the states."

Senator Beutler moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler	Conneally	Janssen	Price	Thompson
Burling	Cunningham	Kruse	Raikes	Wehrbein
Byars	Engel	Louden	Redfield	
Chambers	Erdman	McDonald	Schimek	
Combs	Hartnett	Preister	Synowiecki	

Voting in the negative, 22:

Aguilar	Brown	Jensen	Pedersen, Dw.	Tyson
Baker	Cudaback	Johnson	Pederson, D.	Vrtiska
Bourne	Foley	Kremer	Smith	
Brashear	Friend	Mines	Stuhr	
Bromm	Hudkins	Mossey	Stuthman	

Present and not voting, 3:

Landis	Maxwell	Schrock

Excused and not voting, 2:

Jones	Quandahl

The Beutler amendment lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The second Standing Committee amendment, FA1205, as amended, was adopted with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

The third Standing Committee amendment is as follows:
FA1206

- 4 (b) Any business activity that includes a slaughterhouse
5 as part of its integrated operation; and

SENATOR CUDABACK PRESIDING

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

STANDING COMMITTEE REPORT General Affairs

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendment to LB 485:
AM0911

- 1 1. On page 28, lines 14 and 18, strike "D-I" and insert
2 "D-1"; in line 14 after the first "license" insert ", Class E
3 license"; and in line 18 after the first comma insert "Class E".

(Signed) Ray Janssen, Chairperson

AMENDMENT - Print in Journal

Senators Bourne, Synowiecki, Friend, and Mines filed the following amendment to LB 790:
AM0889

(Amendments to Standing Committee amendments, AM0809)

- 1 1. Insert the following new sections:
2 "Sec. 65. (1) Whenever, in order to carry out the duties
3 imposed upon it by law, the commission, in a proceeding upon its
4 own motion, on complaint, or upon an application to it, deems it
5 necessary to investigate any public utility or common carrier or
6 make appraisals of the property of any public utility or common
7 carrier, such public utility or common carrier, in case the
8 expenses reasonably attributable to such investigation or appraisal
9 exceed the sum of one hundred dollars, including both direct and
10 indirect expenses incurred by the commission or its staff, shall
11 pay such expenses which shall be assessed against such public
12 utility or common carrier by the commission. Such expenses shall
13 be assessed beginning on the date that the proceeding is filed or
14 beginning three business days after the commission gives the public

15 utility or common carrier notice of the assessment by United States
16 mail, whichever is later. The commission shall give such public
17 utility or common carrier notice and opportunity for a hearing in
18 accordance with the Administrative Procedure Act. At such hearing,
19 the public utility or common carrier may be heard as to the
20 necessity of such investigation or appraisal and may show cause, if
21 any, why such investigation or appraisal should not be made or why
22 the costs thereof should not be assessed against such public
23 utility or common carrier. The finding of the commission as to the
1 necessity of the investigation or appraisal and the assessment of
2 the expenses thereof shall be conclusive, except that no such
3 public utility or common carrier shall be liable for payment of any
4 such expenses incurred by the commission in connection with any
5 proceeding before or within the jurisdiction of any federal
6 regulatory body.

7 (2) The commission shall ascertain the expenses of any
8 such investigation or appraisal and by order assess such expenses
9 against the public utility or common carrier investigated or whose
10 property is appraised in such proceeding, and shall render a bill
11 therefor, by United States mail, to the public utility or common
12 carrier, either at the conclusion of the investigation or appraisal
13 or from time to time during such investigation or appraisal. Such
14 bill shall constitute notice of such assessment and demand of
15 payment thereof. Upon a bill rendered to such public utility or
16 common carrier, within fifteen days after the mailing thereof, such
17 public utility or common carrier shall pay to the commission the
18 amount of the assessment for which it is billed. Such payment when
19 made shall be remitted by the commission to the State Treasurer for
20 credit to the Public Service Commission Regulation Fund for the use
21 of the commission or for the use of the Citizens' Utility Ratepayer
22 Board. The total amount, in any one fiscal year, for which any
23 public utility or common carrier shall be assessed under this
24 section shall not exceed the following: (a) For a public utility or
25 common carrier that is under the jurisdiction of the commission and
26 has not filed an annual report with the commission as provided in
27 the State Natural Gas Regulation Act prior to the beginning of the
1 commission's fiscal year, actual expenses, including direct and
2 indirect expenses, incurred by the commission, the commission's
3 staff, or the Citizens' Utility Ratepayer Board; and (b) for any
4 other public utility or common carrier under the jurisdiction of
5 the commission, six-tenths of one percent of the public utility's
6 or common carrier's gross operating revenues derived from
7 intrastate operations as reflected in the last annual report filed
8 with the commission pursuant to the act prior to the beginning of
9 the commission's fiscal year. The commission may render bills in
10 one fiscal year for costs incurred within a previous fiscal year.

11 (3) The commission, in accordance with the procedures
12 prescribed by subsection (2) of this section, may assess against an
13 entity, other than a residential or small commercial ratepayer,

14 that is not subject to assessment pursuant to subsection (1) of
15 this section actual expenses of any services extended, filings
16 processed, or actions certified by the commission for the entity.
17 Sec. 66. (1) The commission shall determine, within
18 fifteen days after each quarter-year for each such quarter-year,
19 the total amount of its expenditures during such period of time and
20 the total amount of expenditures of the Citizens' Utility Ratepayer
21 Board during such period of time. The total amount shall include
22 the salaries of members and employees and all other lawful
23 expenditures of the commission and the board, including all
24 expenditures in connection with investigations or appraisals made
25 under the State Natural Gas Regulation Act, except that there shall
26 not be included in such total amount of expenditures for the
27 purpose of this section the expenditures during such period of time
1 which are otherwise provided for by fees and assessments pursuant
2 to the act.

3 (2) From the amount determined under subsection (1) of
4 this section, the commission shall deduct (a) all amounts collected
5 under section 65 of this act during such period of time and (b) all
6 other funds collected with regard to public utilities or common
7 carriers.

8 (3) To the remainder, after making the deductions under
9 subsection (2) of this section, the commission shall add such
10 amount as in its judgment may be required to satisfy any deficiency
11 in the prior assessment period's assessment and to provide for
12 anticipated increases in necessary expenditures for the current
13 assessment period.

14 (4) The amount determined under subsection (1) of this
15 section shall be assessed by the commission against all public
16 utilities and common carriers subject to the jurisdiction of the
17 commission and shall not exceed, during any fiscal year, the
18 greater of one hundred dollars or two-tenths of one percent of the
19 respective utility's or carrier's gross operating revenues derived
20 from intrastate operation as reflected in the last annual report
21 filed with the commission prior to the beginning of the
22 commission's fiscal year or made available to the commission upon
23 request. Such assessment shall be paid to the commission within
24 fifteen days after the notice of assessment has been mailed to such
25 public utilities and common carriers, which notice of assessment
26 shall constitute demand of payment thereof.

27 (5) The commission shall remit all money received by or
1 for it for the assessment imposed under this section to the State
2 Treasurer for credit to the Public Service Commission Regulation
3 Fund.

4 Sec. 67. The Public Service Commission Regulation Fund
5 is created. The commission shall remit all money received by or
6 for it in payment of the fees or assessments imposed by the State
7 Natural Gas Regulation Act to the State Treasurer for credit to the
8 Public Service Commission Regulation Fund. Any money in the Public

9 Service Commission Regulation Fund available for investment shall
10 be invested by the state investment officer pursuant to the
11 Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.
13 Sec. 68. If any public utility or common carrier against
14 which an assessment has been made pursuant to the State Natural Gas
15 Regulation Act, within fifteen days after the notice of such
16 assessment, (1) neglects or refuses to pay the same or (2) fails to
17 file objections to the assessment with the commission as provided
18 in section 69 of this act, the commission shall transmit to the
19 State Treasurer a certified copy of the notice of assessment,
20 together with notice of neglect or refusal to pay the assessment,
21 and on the same day the commission shall mail by registered mail to
22 the public utility or common carrier against which the assessment
23 has been made a copy of the notice which it has transmitted to the
24 State Treasurer. If any such public utility or common carrier
25 fails to pay such assessment to the State Treasurer within ten days
26 after receipt of such notice and certified copy of such assessment,
27 the assessment shall bear interest at the rate of fifteen percent
1 per annum from and after the date on which the copy of the notice
2 was mailed by registered mail to such public utility or common
3 carrier.
4 Sec. 69. (1) Within fifteen days after the date of the
5 mailing of any notice of assessment under sections 65 and 66 of
6 this act, the public utility or common carrier against which such
7 assessment has been made may file with the commission objections
8 setting out in detail the ground upon which such objector regards
9 such assessment to be excessive, erroneous, unlawful, or invalid.
10 The commission, after notice to the objector, shall hold a hearing
11 in accordance with the Administrative Procedure Act upon such
12 objections. The commission shall determine if the assessment or
13 any part of the assessment is excessive, erroneous, unlawful, or
14 invalid and shall render an order upholding, invalidating, or
15 amending the assessment. An amended assessment shall have in all
16 ways the same force and effect as though it were an original
17 assessment.
18 (2) If any assessment against which objections have been
19 filed is not paid within ten days after service of an order finding
20 that such objections have been overruled and disallowed by the
21 commission, the commission shall give notice of such delinquency to
22 the State Treasurer and to the objector, in the manner provided for
23 in the State Natural Gas Regulation Act. The State Treasurer shall
24 then collect the amount of such assessment. If an amended
25 assessment is not paid within ten days after service of the order
26 of the commission, the commission shall notify the State Treasurer
27 and the objector as in the case of delinquency in the payment of an
1 original assessment. The State Treasurer shall then collect the
2 amount of such assessment as provided in the case of an original
3 assessment.

4 Sec. 70. Every public utility or common carrier against
5 which an assessment is made shall pay the amount thereof, and after
6 such payment may under the conditions in the State Natural Gas
7 Regulation Act, at any time within one year from the date the
8 payment was made, sue the state in an action at law to recover the
9 amount paid with legal interest thereon from the date of payment,
10 upon the ground that the assessment was excessive, erroneous,
11 unlawful, or invalid in whole or in part. If it is finally
12 determined in such action that any part of the assessment, for
13 which payment was made, was excessive, erroneous, unlawful, or
14 invalid, the State Treasurer shall make a refund to the claimant as
15 directed by the court.

16 Sec. 71. (1) No action for recovery of any amount paid
17 pursuant to the State Natural Gas Regulation Act shall be
18 maintained in any court unless objections have been filed with the
19 commission as provided in section 69 of this act. In any action
20 for recovery of any payments made under the act, the claimant shall
21 be entitled to raise every relevant issue of law, but the
22 commission's findings of fact made pursuant to the act shall be
23 prima facie evidence of the facts therein stated.

24 (2) The following shall be deemed to be findings of fact
25 of the commission within the meaning of the act: (a) Determinations
26 of fact expressed in notices of assessments given pursuant to the
27 act and (b) determinations of fact set out in those minutes of the
1 commission which record the action of the commission in connection
2 with making the assessments and passing upon objections thereto.

3 Sec. 72. Public utilities owned and operated by a
4 municipality or a metropolitan utilities district shall establish
5 rates and conditions of service for all residential customers of
6 each such utility in a nondiscriminatory manner."

7 2. On page 1, line 1, strike "Insert" and insert "Strike
8 original sections 80 to 84 and insert".

9 3. On page 3, line 1, strike "66" and insert "74"; and
10 strike beginning with "Public" in line 3 through "district" in line
11 12 and insert "Public utility does not mean a natural gas utility
12 owned or operated by a municipality or a metropolitan utilities
13 district".

14 4. Renumber the remaining sections and correct internal
15 references and the repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 593. No objections. So ordered.

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 643. No objections. So ordered.

VISITORS

Visitors to the Chamber were 70 tenth- through twelfth-grade students and teacher from Mercy High School, Omaha; student senators from District 47; Beau Klug from Columbus; 45 fourth-grade students and teachers from Emerson Elementary School, Columbus; Senator Burling's daughter, Darla Knight, and Julie Rosenquist from Hastings; and Susan Frazier from Fairmont, Marvin Yost and Vern Jantzen from Plymouth, Larry Kaspar from Dorchester, and Marvin Kraus and Charles Vossler from Friend.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 20, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 20, 2003

PRAYER

The prayer was offered by Pastor Denton Jantzi, Beatrice Mennonite Church, Beatrice, 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 Engel and Jones who were excused; and Senators Cunningham, Price, Schrock, and Tyson 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 19, 2003, 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

Jaeschke, Ronda
Kinder Morgan, Inc.

Lehmann, Lynn
Kinder Morgan, Inc.

Lengel, Patricia
Kinder Morgan, Inc.

Meyer, Les
Kinder Morgan, Inc.

Reiman, Charlene
Kinder Morgan, Inc.

Skovgard, R.L.F. "Gus"
MidAmerican Energy Company

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

Report - Number of adults declared ineligible for cash assistance under Section 68-1723

Revenue, 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)

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for January 2003

GENERAL FILE

LEGISLATIVE BILL 756A. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 608. The third Standing Committee amendment, FA1206, found on page 996, was renewed.

Senator Bromm offered the following amendment to the third Standing Committee amendment:
AM0924

(Amendments to FA1206)

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 77-4107, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-4107. (1) If the taxpayer fails either to meet the
- 5 required levels of employment or investment for the applicable
- 6 project by the end of the sixth year after the end of the year the
- 7 application was submitted for such project or to utilize such
- 8 project in a qualified business at employment and investment levels
- 9 at or above those required in the agreement for the entire

10 entitlement period, all or a portion of the incentives set forth in
11 the Employment and Investment Growth Act shall be recaptured or
12 disallowed.

13 (2) The recapture or disallowance shall be as follows:

14 (a) In the case of a taxpayer who failed to meet the
15 required levels within the required time period, all reduction in
16 the personal property tax because of the Employment and Investment
17 Growth Act shall be recaptured and any reduction in the corporate
18 income tax arising solely because of an election under subsection
19 (1) of section 77-4105 shall be deemed an underpayment of the
20 income tax for the year in which the election was exercised and
21 shall be immediately due and payable; and

22 (b) In the case of a taxpayer who has failed to maintain
23 the project at the required levels of employment and investment for
1 the entire entitlement period, any reduction in the personal
2 property tax, any refunds in tax allowed under subdivision (3)(a)
3 of section 77-4105, and any refunds or reduction in tax allowed
4 because of the use of a credit allowed under subsection (4) of
5 section 77-4105 shall be partially recaptured from either the
6 taxpayer or the owner of the improvement to real estate and any
7 carryovers of credits shall be partially disallowed. One-seventh
8 of the refunds, one-seventh of the reduction in personal property
9 tax, and one-seventh of the credits used shall be recaptured and
10 one-seventh of the remaining carryovers and the last remaining year
11 of personal property tax exemption shall be disallowed for each
12 year the taxpayer did not maintain such project at or above the
13 required levels of employment or investment.

14 (3) If a taxpayer receiving incentives under the act for
15 an application filed on or after the effective date of this act
16 habitually or intentionally violates any environmental, health,
17 safety, or labor law of this state or the United States and the
18 violation results in significant and material damage to the
19 environment or any person, a portion of the incentives shall be
20 recaptured or disallowed as provided in this section. For such a
21 taxpayer, any reduction in the personal property tax, any refunds
22 in tax allowed under subdivision (3)(a) of section 77-4105, and any
23 refunds or reduction in tax allowed because of the use of a credit
24 allowed under subsection (4) of section 77-4105 shall be partially
25 recaptured from either the taxpayer or the owner of the improvement
26 to real estate and any carryovers of credits shall be partially
27 disallowed. One-seventh of the refunds, one-seventh of the
1 reduction in personal property tax, and one-seventh of the credits
2 used shall be recaptured and one-seventh of the remaining
3 carryovers and the last remaining year of personal property tax
4 exemption shall be disallowed for each year the taxpayer committed
5 such violation. The determination of whether a violation is
6 habitual or intentional and results in significant and material
7 damage shall be made by the Department of Revenue in consultation
8 with other applicable regulatory agencies.

9 (4) Any refunds or reduction in tax due, to the extent
10 required to be recaptured, shall be deemed to be an underpayment of
11 the tax and shall be immediately due and payable.

12 When tax benefits were received in more than one year,
13 the tax benefits received in the most recent year shall be
14 recovered first and then the benefits received in earlier years up
15 to the extent of the required recapture.

16 ~~(4)~~ (5) Any personal property tax that would have been
17 due except for the exemption allowed under the Employment and
18 Investment Growth Act, to the extent it becomes due under this
19 section, shall be considered an underpayment of such tax and shall
20 be immediately due and payable to the county or counties in which
21 the property was located when exempted. All amounts received by a
22 county under this section shall be allocated to each taxing unit
23 levying taxes on tangible personal property in the county in the
24 same proportion that the levy on tangible personal property of such
25 taxing unit bears to the total levy of all of such taxing units.

26 ~~(5)~~ (6) Notwithstanding any other limitations contained
27 in the laws of this state, collections of any taxes deemed to be
1 underpayments by this section shall be allowed for a period of ten
2 years after the signing of the agreement or three years after the
3 end of the entitlement period, whichever is later.

4 ~~(6)~~ (7) Any amounts due under this section shall be
5 recaptured notwithstanding other allowable credits and shall not be
6 subsequently refunded under any provision of the Employment and
7 Investment Growth Act unless the recapture was in error.

8 ~~(7)~~ (8) The recapture required by subsection (1) of this
9 section shall not occur if the failure to maintain the required
10 levels of employment or investment was caused by an act of God or
11 national emergency.".

12 2. Renumber the remaining sections and correct internal
13 references and the repealer accordingly.

Senator Bromm withdrew his amendment.

Senator Bromm offered the following amendment to the third Standing
Committee amendment:

AM0927

(Amendments to FA1206)

1 1. On page 1, strike lines 4 and 5 and insert the
2 following new section:
3 "Sec. 5. Section 77-4107, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 77-4107. (1) If the taxpayer fails either to meet the
6 required levels of employment or investment for the applicable
7 project by the end of the sixth year after the end of the year the
8 application was submitted for such project or to utilize such
9 project in a qualified business at employment and investment levels
10 at or above those required in the agreement for the entire

11 entitlement period, all or a portion of the incentives set forth in
12 the Employment and Investment Growth Act shall be recaptured or
13 disallowed.

14 (2) The recapture or disallowance shall be as follows:

15 (a) In the case of a taxpayer who failed to meet the
16 required levels within the required time period, all reduction in
17 the personal property tax because of the Employment and Investment
18 Growth Act shall be recaptured and any reduction in the corporate
19 income tax arising solely because of an election under subsection
20 (1) of section 77-4105 shall be deemed an underpayment of the
21 income tax for the year in which the election was exercised and
22 shall be immediately due and payable; and

23 (b) In the case of a taxpayer who has failed to maintain
1 the project at the required levels of employment and investment for
2 the entire entitlement period, any reduction in the personal
3 property tax, any refunds in tax allowed under subdivision (3)(a)
4 of section 77-4105, and any refunds or reduction in tax allowed
5 because of the use of a credit allowed under subsection (4) of
6 section 77-4105 shall be partially recaptured from either the
7 taxpayer or the owner of the improvement to real estate and any
8 carryovers of credits shall be partially disallowed. One-seventh
9 of the refunds, one-seventh of the reduction in personal property
10 tax, and one-seventh of the credits used shall be recaptured and
11 one-seventh of the remaining carryovers and the last remaining year
12 of personal property tax exemption shall be disallowed for each
13 year the taxpayer did not maintain such project at or above the
14 required levels of employment or investment.

15 (3) If a taxpayer receiving incentives under the act for
16 an application filed on or after the effective date of this act
17 habitually or intentionally violates any environmental, health,
18 safety, or labor law of this state or the United States and the
19 violation results in significant and material damage to the
20 environment or any person, a portion of the incentives shall be
21 recaptured or disallowed as provided in this section. For such a
22 taxpayer, any reduction in the personal property tax, any refunds
23 in tax allowed under subdivision (3)(a) of section 77-4105, and any
24 refunds or reduction in tax allowed because of the use of a credit
25 allowed under subsection (4) of section 77-4105 shall be partially
26 recaptured from either the taxpayer or the owner of the improvement
27 to real estate and any carryovers of credits shall be partially
1 disallowed. One-seventh of the refunds, one-seventh of the
2 reduction in personal property tax, and one-seventh of the credits
3 used shall be recaptured and one-seventh of the remaining
4 carryovers and the last remaining year of personal property tax
5 exemption shall be disallowed for each year the taxpayer committed
6 such violation. The determination of whether a violation is
7 habitual or intentional and results in significant and material
8 damage shall be made by the Department of Revenue in consultation
9 with other applicable regulatory agencies.

10 (4) Any refunds or reduction in tax due, to the extent
11 required to be recaptured, shall be deemed to be an underpayment of
12 the tax and shall be immediately due and payable.

13 When tax benefits were received in more than one year,
14 the tax benefits received in the most recent year shall be
15 recovered first and then the benefits received in earlier years up
16 to the extent of the required recapture.

17 (4) (5) Any personal property tax that would have been
18 due except for the exemption allowed under the Employment and
19 Investment Growth Act, to the extent it becomes due under this
20 section, shall be considered an underpayment of such tax and shall
21 be immediately due and payable to the county or counties in which
22 the property was located when exempted. All amounts received by a
23 county under this section shall be allocated to each taxing unit
24 levying taxes on tangible personal property in the county in the
25 same proportion that the levy on tangible personal property of such
26 taxing unit bears to the total levy of all of such taxing units.

27 (5) (6) Notwithstanding any other limitations contained
1 in the laws of this state, collections of any taxes deemed to be
2 underpayments by this section shall be allowed for a period of ten
3 years after the signing of the agreement or three years after the
4 end of the entitlement period, whichever is later.

5 (6) (7) Any amounts due under this section shall be
6 recaptured notwithstanding other allowable credits and shall not be
7 subsequently refunded under any provision of the Employment and
8 Investment Growth Act unless the recapture was in error.

9 (7) (8) The recapture required by subsection (1) of this
10 section shall not occur if the failure to maintain the required
11 levels of employment or investment was caused by an act of God or
12 national emergency.".

13 2. Renumber the remaining sections and correct internal
14 references and the repealer accordingly.

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

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The Bromm amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 256. Indefinitely postponed.
LEGISLATIVE BILL 343. Indefinitely postponed.
LEGISLATIVE BILL 585. Indefinitely postponed.
LEGISLATIVE BILL 586. Indefinitely postponed.
LEGISLATIVE BILL 730. Indefinitely postponed.
LEGISLATIVE BILL 750. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

Revenue

LEGISLATIVE BILL 803. Placed on General File as amended.
Standing Committee amendment to LB 803:
AM0922

- 1 1. On page 2, lines 4 through 6, strike the new matter
- 2 and reinstate the stricken matter.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 618. Placed on General File as amended.
Standing Committee amendment to LB 618:
AM0353

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 70-1012, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 70-1012. Before any electric generation facilities or
- 5 any transmission lines or related facilities carrying more than
- 6 seven hundred volts are constructed or acquired by any supplier, an
- 7 application, filed with the board and containing such information
- 8 as the board shall prescribe, shall be approved by the board,
- 9 except that such approval shall not be required (1) for the
- 10 construction or acquisition of a transmission line extension or
- 11 related facilities within a supplier's own service area or for the
- 12 construction or acquisition of a line not exceeding one-half mile
- 13 outside its own service area when all owners of electric lines
- 14 located within one-half mile of the extension consent thereto in
- 15 writing and such consents are filed with the board, (2) for any
- 16 generation facility when the board finds that: (a) Such facility
- 17 is being constructed or acquired to replace a generating plant
- 18 owned by an individual municipality or registered group of
- 19 municipalities with a capacity not greater than that of the plant
- 20 being replaced, (b) such facility will generate less than
- 21 twenty-five thousand kilowatts of electric energy at rated
- 22 capacity, and (c) the applicant will not use the plant or

23 transmission capacity to supply wholesale power to customers
 24 outside the applicant's existing retail service area or chartered
 1 territory, ~~or~~ (3) for acquisition of transmission lines or related
 2 facilities, within the state, carrying one hundred fifteen thousand
 3 volts or less, if the current owner of the transmission lines or
 4 related facilities notifies the board of the lines or facilities
 5 involved in the transaction and the parties to the transaction, or
 6 (4) for the construction of a net metering system.

7 Sec. 7. Original section 70-1012, Reissue Revised
 8 Statutes of Nebraska, is repealed."

9 2. On page 3, lines 16 and 17, strike "an energy meter
 10 or" and insert "separate energy"; and in line 18 strike "either"
 11 and insert "each".

12 3. On page 5, line 21, after "81-2124" insert "and
 13 subsection (1) of section 81-2125".

14 4. Insert underscoring in original sections 1 to 5.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 809. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 756A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

MESSAGE FROM THE GOVERNOR

March 20, 2003

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 30e, 30A, 31, 31A, 45, 52, 53, 54e, 54Ae, 55, 56, 60, 61, 94, 94A, 102, 102A, 107e, 114, 119, 127, 128, 130, 138, 142, 150, 157, 158e, 161e, 164, 164A, 181, 185, 194, 195, 199, 205, 218, 219e, 222, 228, 228A, 234, 234A, 238, 241, 243, 257, 273, and 274 were received in my office on March 14, 2003.

These bills were signed by me on March 20, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

GENERAL FILE

LEGISLATIVE BILL 608. The third Standing Committee amendment, FA1206, found on page 996 and considered in this day's Journal, as amended, was renewed.

Senator Chambers offered the following motion:
Bracket until March 30, 2003.

Senator Chambers withdrew his motion to bracket.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

SPEAKER BROMM PRESIDING

The third Standing Committee amendment, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The fourth Standing Committee amendment is as follows:
FA1207

- 21 (9) Nebraska average weekly wage shall mean the most
22 recent state average weekly wage as determined by the Nebraska
23 Workers' Compensation Court under section 48-121.02;
22 (15) Qualified health insurance plan shall mean an
23 employer-sponsored or employer-supported health insurance plan that
24 is comparable to the average plan sponsored by private employers in
25 Nebraska. The Department of Revenue, after consulting with the
26 Department of Insurance, shall develop rules and regulations
27 setting out the requirements of a qualified health insurance plan
1 in terms of the benefits provided, share of the premium paid by the
2 employer, required copayments, deductibles, maximums, and other
3 conditions;
4 (4)(a) An individual shall be considered a base-year
5 employee of the taxpayer or as an employee of the taxpayer for
6 purposes of the calculation of the number of new employees during
7 the base year and for purposes of attaining and maintaining the
8 required number of the new employees and shall be considered an
9 employee whose compensation is included in the calculation of the
10 compensation credit only if the compensation paid by the taxpayer
11 to such employee for the applicable year is at least the minimum

12 qualifying wage set out in subdivision (4)(c) of this section.
13 (b) For purposes of subdivision (4)(a) of this section,
14 wages shall mean the amount paid for regular hours worked, not
15 including overtime, bonuses, or any other irregular payments.
16 (c) For purposes of subdivision (4)(a) of this section,
17 the minimum qualifying wage for applications filed on or after the
18 effective date of this act shall be eight dollars and seventy cents
19 per hour for employees who receive qualifying health care benefits
20 and nine dollars and fifty-seven cents per hour for employees who
21 do not receive qualifying health care benefits. The Department of
22 Revenue shall adjust the minimum wages required for applications
23 filed after January 1, 2004, and each January 1 thereafter, as
24 follows: The current Nebraska average weekly wage shall be divided
25 by the Nebraska average weekly wage for 2003; the result shall be
26 multiplied by the eight dollars and seventy cents or nine dollars
27 and fifty-seven cents minimum wage for 2003 and rounded to the
1 nearest one cent. The amount of increase or decrease in the
2 minimum wages for any year shall be the cumulative change in the
3 Nebraska average weekly wage since 2003.
4 (d) Even if a taxpayer is considered based on the
5 provisions of this subsection to have attained or maintained the
6 applicable new employee threshold, such taxpayer shall not be
7 considered to have attained or maintained the applicable new
8 employee threshold unless it has done so under the provisions of
9 the Employment and Investment Growth Act as it existed immediately
10 prior to the effective date of this act. If an individual was
11 employed by the taxpayer in Nebraska during the base year at less
12 than the applicable minimum wage then in effect, then the amount of
13 such person's compensation shall not be eligible for the
14 compensation credit even if such person's wage is increased above
15 the applicable minimum wage.
24 multiplied by the number of equivalent base-year employees if all
25 employees at the project are paid at least the minimum qualifying
26 wage as provided in subsection (4) of section 77-4104.
27 For the computation of such credit, average compensation
1 shall mean the total compensation paid at the project to an
2 employee of the taxpayer divided by the total number of equivalent
3 employees at the project; and
4 (b) A credit equal to ten percent of the investment made
5 in qualified property at the project.
6 The credits prescribed in subdivisions (a) and (b) of
7 this subsection shall be allowable for compensation paid and
8 investments made during each year of the entitlement period that
9 the taxpayer is at or above the required levels of employment and
10 investment.
11 The credit prescribed in subdivision (b) of this
12 subsection shall also be allowable during the first year of the
13 entitlement period for investment in qualified property at the
14 project after the date of the application and before the required

15 levels of employment and investment were met.

7 Sec. 11. Section 77-4113, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-4113. The Department of Revenue shall, on or before
10 the fifteenth day of October and February of every year and the
11 fifteenth day of April in odd-numbered years, make an estimate of
12 the amount of sales tax refunds to be paid under the Employment and
13 Investment Growth Act during the fiscal years to be forecast under
14 section 77-27,158. The estimate shall be based on the most recent
15 data available including pending and approved applications and
16 updates thereof as are required by subdivisions (2)(e) and ~~(4)(e)~~
17 ~~(5)(e)~~ of section 77-4104. The estimate shall be forwarded to the
18 Legislative Fiscal Analyst and the Nebraska Economic Forecasting
19 Advisory Board and made a part of the advisory forecast required by
20 section 77-27,158.

Senators Byars, Foley, and Stuthman asked unanimous consent to be excused. No objections. So ordered.

Senator Baker withdrew his pending amendment, FA1196, found on page 842.

Senator D. Pederson withdrew his pending amendment, AM0803, found on page 936.

Senator D. Pederson renewed his pending amendment, AM0883, found on page 959, to the fourth Standing Committee amendment.

Pending.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 232. Placed on General File.

LEGISLATIVE BILL 352. Placed on General File.

LEGISLATIVE BILL 503. Placed on General File.

LEGISLATIVE BILL 565. Placed on General File as amended.

(Standing Committee amendment, AM0919, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 626. Placed on General File as amended.

(Standing Committee amendment, AM0918, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 678. Placed on General File as amended.

Standing Committee amendment to LB 678:

AM0808

1 1. On page 2, strike lines 23 and 24 and insert "shall

2 identify federal funds sent to the state in support of its
 3 preparedness activities and indicate the use of any federal funds
 4 received by the state for homeland security, including the specific
 5 amounts allocated to any unit of state or local government and the
 6 use to which the unit shall apply the funds.".

LEGISLATIVE BILL 472. Indefinitely postponed.

LEGISLATIVE BILL 567. Indefinitely postponed.

LEGISLATIVE BILL 661. Indefinitely postponed.

LEGISLATIVE BILL 665. Indefinitely postponed.

LEGISLATIVE BILL 770. Indefinitely postponed.

LEGISLATIVE RESOLUTION 19CA. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Education

LEGISLATIVE BILL 174. Placed on General File.

LEGISLATIVE BILL 249. Placed on General File as amended.

Standing Committee amendment to LB 249:

AM0931

1 1. Strike original section 2 and insert the following
 2 new sections:
 3 "Sec. 2. Section 79-2,125, Revised Statutes Supplement,
 4 2002, is amended to read:
 5 79-2,125. Sections 79-2,125 to 79-2,135 and section 5 of
 6 this act shall be known and may be cited as the Public Elementary
 7 and Secondary Student Fee Authorization Act.
 8 Sec. 3. Section 79-2,126, Revised Statutes Supplement,
 9 2002, is amended to read:
 10 79-2,126. For purposes of the Public Elementary and
 11 Secondary Student Fee Authorization Act:
 12 (1) Extracurricular activities means student activities
 13 or organizations which are supervised or administered by the school
 14 district, which do not count toward graduation or advancement
 15 between grades, and in which participation is not otherwise
 16 required by the school district;
 17 (2) Governing body means a school board of any class of
 18 school district or an educational service unit board; and
 19 (3) Postsecondary education costs means tuition and other
 20 fees associated with obtaining credit from a postsecondary
 21 educational institution. For a course in which students receive
 22 both high school and credit and for which they may also choose to
 23 apply for postsecondary education credit, or a course being taken
 24 as part of an approved accelerated or differentiated curriculum
 1 program pursuant to sections 79-1106 to 79-1108.03, the course
 2 shall be offered without charge for tuition, transportation, books,

3 or other fees, except that if the student chooses to apply for
4 postsecondary education credit, he or she may be charged tuition
5 and other fees only associated with obtaining credits from a
6 postsecondary educational institution.

7 Sec. 4. Section 79-2,127, Revised Statutes Supplement,
8 2002, is amended to read:

9 79-2,127. Except as provided in section 79-2,133, a
10 governing body may require and collect fees or other funds from or
11 on behalf of students or require students to provide specialized
12 equipment or specialized attire for any of the following purposes:

13 (1) Participation in extracurricular activities;

14 (2) Admission fees and transportation charges for
15 spectators attending extracurricular activities;

16 (3) Postsecondary education costs;

17 (4) Transportation pursuant to sections 79-241, 79-605,
18 and 79-611;

19 (5) Copies of student files or records pursuant to
20 section 79-2,104;

21 (6) Reimbursement to the school district or educational
22 service unit for school district or educational service unit
23 property lost or damaged by the student;

24 (7) Before-and-after-school or prekindergarten services
25 offered pursuant to section 79-1104;

26 (8) Summer school or night school; and

27 (9) Breakfast and lunch programs.

1 Except as provided in this section and sections 79-2,131
2 and 79-2,132 and section 5 of this act, a governing body shall not
3 collect money from students.

4 Sec. 5. The Public Elementary and Secondary Student Fee
5 Authorization Act does not limit the ability of a governing body to
6 request donations of money, materials, equipment, or attire to
7 defray costs if the request is made in such a way that it is clear
8 that the request is not a requirement. The act does not prohibit a
9 governing body from permitting students to supply materials for
10 course projects.

11 Sec. 6. Section 79-2,131, Revised Statutes Supplement,
12 2002, is amended to read:

13 79-2,131. A governing body may require students to
14 furnish musical instruments for participation in optional music
15 courses that are not extracurricular activities if the governing
16 body provides for the use of a musical instrument without charge
17 for any student who qualifies for free or reduced-price lunches
18 under United States Department of Agriculture child nutrition
19 programs. Participation in a free-lunch program or reduced-price
20 lunch program is not required to qualify for free or reduced-price
21 lunches for purposes of this section. This section does not
22 require a governing body to provide for the use of a particular
23 type of musical instrument for any student. For ~~music courses that~~
24 ~~are~~ musical extracurricular activities, a governing body may

25 require fees or require students to provide specialized equipment,
26 such as musical instruments, or specialized attire consistent with
27 the Public Elementary and Secondary Student Fee Authorization Act.

1 Sec. 7. Section 79-2,132, Revised Statutes Supplement,

2 2002, is amended to read:

3 79-2,132. The Public Elementary and Secondary Student
4 Fee Authorization Act does not preclude operation of a school store
5 in which students may purchase food, beverages, and personal or
6 consumable items. A school store need not have a permanent
7 physical presence and may consist of providing order forms for
8 students to voluntarily purchase items from the school or another
9 vendor.

10 Sec. 8. Section 79-2,133, Revised Statutes Supplement,

11 2002, is amended to read:

12 79-2,133. Each governing body shall establish a policy
13 waiving the fees and providing the items otherwise required to be
14 provided by students pursuant to ~~subdivisions (1) and (2)~~
15 subdivision (1) of section 79-2,127 ~~and pursuant to section~~
16 ~~79-2,130~~ for students who qualify for free or reduced-price lunches
17 under United States Department of Agriculture child nutrition
18 programs. Participation in a free-lunch program or reduced-price
19 lunch program is not required to qualify for free or reduced-price
20 lunches for purposes of this section.

21 Each governing body may establish a policy for waiving
22 fees or providing items otherwise required to be provided by
23 students in other circumstances.

24 Sec. 9. Section 79-2,134, Revised Statutes Supplement,

25 2002, is amended to read:

26 79-2,134. On or before August 1, 2002, and annually each
27 year thereafter, each school board shall hold a public hearing at a
1 regular or special meeting of the board on a proposed student fee
2 policy, following a review of the amount of money collected from
3 students pursuant to, and the use of waivers provided in, the
4 student fee policy for the prior school year. The student fee
5 policy shall be adopted by a majority vote of the school board and
6 shall be published in the student handbook. The board shall
7 provide a copy of the student handbook to every student, or to
8 every household in which at least one student resides, at no cost
9 to the student or household. The student fee policy shall include
10 specific details regarding:

11 (1) The general written guidelines for any ~~clothing~~
12 nonspecialized attire required for specified courses and
13 activities;

14 (2) Any personal or consumable items a student will be
15 required to furnish for specified courses and activities;

16 (3) Any materials required for course projects;

17 (4) Any specialized equipment or attire which a student
18 will be required to provide for any extracurricular activity;

19 (5) Any fees required from a student for participation in

- 20 any extracurricular activity;
- 21 (6) Any fees required for postsecondary education costs;
- 22 (7) Any fees required for transportation costs pursuant
- 23 to sections 79-241, 79-605, and 79-611;
- 24 (8) Any fees required for copies of student files or
- 25 records pursuant to section 79-2,104;
- 26 (9) Any fees required for participation in
- 27 before-and-after-school or prekindergarten services offered
- 1 pursuant to section 79-1104;
- 2 (10) Any fees required for participation in summer school
- 3 or night school;
- 4 (11) Any fees for breakfast and lunch programs; and
- 5 (12) The waiver policy pursuant to section 79-2,133.
- 6 No fee, specialized equipment or attire, or
- 7 nonspecialized attire may be required unless the dollar amount of
- 8 the fee, the specifications for the specialized equipment or
- 9 attire, or the specifications for the nonspecialized attire are
- 10 specified in the student fee policy approved by the board.
- 11 Sec. 10. Original sections 79-237, 79-2,125 to 79-2,127,
- 12 and 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002, are
- 13 repealed.
- 14 Sec. 11. The following sections are outright repealed:
- 15 Sections 79-2,128 and 79-2,130, Revised Statutes Supplement,
- 16 2002."
- 17 2. On page 2, lines 7, 9, and 12, strike the new matter
- 18 and reinstate the stricken matter; in line 16 strike the new
- 19 matter, reinstate the stricken matter, and after the reinstated "1"
- 20 insert "A student whose application is filed on or before July 1
- 21 or a student initially enrolling in the ninth grade under the
- 22 enrollment option program shall be eligible beginning July 1 or
- 23 upon acceptance of the application, whichever is later, to compete
- 24 in extracurricular activities sponsored by the option school
- 25 district. A student transferring to an option school district
- 26 after his or her initial enrollment in the ninth grade or a student
- 27 transferring to an option school district before or during his or
- 1 her tenth, eleventh, "; and in line 17 after "grade" insert "year".
- 2 3. Renumber the remaining section accordingly.

(Signed) Ron Raikes, Chairperson

AMENDMENT - Print in Journal

Senator Jensen filed the following amendment to LB 667:
AM0896

(Amendments to AM0821)

- 1 1. On page 7, insert underscoring beginning with "(3)"
- 2 in line 23 through "Pay" in line 27.
- 3 2. On page 10, lines 25 and 26, strike "if any".

UNANIMOUS CONSENT - Add Cointroducer

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 513. No objections. So ordered.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 46 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 46.

VISITORS

Visitors to the Chamber were 22 representatives and sponsors in the Leadership Program from Columbus; Shauna Bowman from Plattsmouth; 17 fourth-grade students and teacher from St. John's Elementary School, Seward; 10 fourth-grade students and teacher from St. Joseph School, Beatrice; and 17 fourth-grade students and teacher from Lindsay Holy Family School.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Tuesday, March 25, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 25, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 25, 2003

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 Aguilar, Cunningham, and Jones who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

ANNOUNCEMENT

The Chair announced March 16th was Senator Brashear's birthday.

GENERAL FILE

LEGISLATIVE BILL 608. Senator D. Pederson renewed his pending amendment, AM0883, found on page 959 and considered on page 1013, to the fourth Standing Committee amendment, FA1207, found on page 1011.

Senators Cudaback, Kremer, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Hartnett 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 D. Pederson moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The D. Pederson amendment lost with 21 ayes, 16 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 47, 48, 49, 50, 51, 53, 54, 55, 56, and 57 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 47, 48, 49, 50, 51, 53, 54, 55, 56, and 57.

GENERAL FILE

LEGISLATIVE BILL 608. The fourth Standing Committee amendment, FA1207, found on page 1011, was renewed.

SENATOR SCHIMEK PRESIDING

Senator Landis offered the following amendment to the fourth Standing Committee amendment:
AM0969

(Amendments to FA1207)

- 1 1. On page 18, strike lines 22 through 27.
- 2 2. On page 19, lines 1 through 4, strike the new matter
- 3 and insert "(15)"; and after line 9 insert the following new
- 4 subdivision:
- 5 "(16) Rural Nebraska average weekly wage means the most
- 6 recent average weekly wage paid by all employers in all counties
- 7 with a population of less than twenty thousand inhabitants as
- 8 reported by July 1 by the Department of Labor;".
- 9 3. On page 22, strike beginning with "for" in line 19
- 10 through "benefits" in line 21 and insert ", except for taxpayers
- 11 qualifying under subdivision (3)(b) of this section, the minimum
- 12 qualifying wage for applications filed on or after the effective
- 13 date of this act shall be eight dollars and twenty-five cents per
- 14 hour"; and strike beginning with "or" in line 26 through "cents" in
- 15 line 27.
- 16 4. On page 23, line 3, before the period insert "; and
- 17 the current rural Nebraska average weekly wage shall be divided by
- 18 the rural Nebraska average weekly wage for 2003; the result shall
- 19 be multiplied by the eight dollars and twenty-five cents minimum

20 wage for 2003 and rounded to the nearest one cent. The amount of
 21 increase or decrease in the minimum wages for any year shall be the
 22 cumulative change in the rural Nebraska average weekly wage since
 23 2003".

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 19 ayes, 1 nay, and 29 not voting.

Senators Byars, Cudaback, and Jensen 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 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on the Landis amendment.

Senator Brashear requested the roll call vote be taken in reverse order.

Voting in the affirmative, 34:

Baker	Combs	Kremer	Pederson, D.	Stuhr
Beutler	Cunningham	Landis	Price	Stuthman
Bourne	Engel	Maxwell	Quandahl	Thompson
Brashear	Erdman	McDonald	Raikes	Tyson
Bromm	Foley	Mines	Redfield	Vrtiska
Brown	Friend	Mossey	Schrock	Wehrbein
Burling	Hartnett	Pedersen, Dw.	Smith	

Voting in the negative, 4:

Chambers	Connealy	Louden	Schimek

Present and not voting, 6:

Hudkins	Johnson	Preister
Janssen	Kruse	Synowiecki

Excused and not voting, 5:

Aguilar	Byars	Cudaback	Jensen	Jones

The Landis amendment was adopted with 34 ayes, 4 nays, 6 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 304. Placed on General File.

LEGISLATIVE BILL 265. Placed on General File as amended.

(Standing Committee amendment, AM0768, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 542. Placed on General File as amended.

Standing Committee amendment to LB 542:

AM0776

- 1 1. On page 3, line 27, strike "only" and insert "not";
- 2 and in line 28 strike "class one".
- 3 2. On page 4, lines 1 through 8, strike the new matter
- 4 and insert "tobacco product violation".

LEGISLATIVE BILL 625. Placed on General File as amended.

Standing Committee amendment to LB 625:

AM0681

- 1 1. On page 4, line 7, after the period insert "All
- 2 personal identification information of testers shall be removed
- 3 from the copies provided. The commission may charge a fee, not to
- 4 exceed actual cost, for copies provided under this section.".

(Signed) Kermit A. Brashear, Chairperson

Business and Labor

LEGISLATIVE BILL 210. Placed on General File as amended.

Standing Committee amendment to LB 210:

AM0926

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 48-106, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 48-106. (1) The Nebraska Workers' Compensation Act shall
- 6 apply to the State of Nebraska, to every governmental agency
- 7 created by the state, and, except as provided in this section, to
- 8 every resident employer in this state and nonresident employer
- 9 performing work in this state who employs one or more employees in
- 10 the regular trade, business, profession, or vocation of such
- 11 employer.
- 12 (2) The act shall not apply to:
- 13 (a) A railroad company engaged in interstate or foreign
- 14 commerce;
- 15 (b) Service performed by a worker who is a household
- 16 domestic servant in a private residence;
- 17 (c) Service performed by a worker when performed on a

18 farm or ranch for an employer who is engaged in an agricultural
19 operation and employs only related employees; and
20 (d) Service performed by a worker when performed on a
21 farm or ranch for an employer who is engaged in an agricultural
22 operation and employs unrelated employees, unless:
23 (i) Such service is performed on a farm or ranch for an
24 employer who during any calendar year employs six or more
1 unrelated, full-time employees, whether in one or more locations,
2 on each working day during any thirteen-week period, whether or not
3 such weeks are consecutive; and
4 (ii) Forty percent or more of the employer's annual gross
5 revenue is derived from the cultivation of land owned or leased by
6 someone other than the employer for the production of agricultural
7 crops, fruit, or other horticultural products, or forty percent or
8 more of the employer's annual gross revenue is derived from the
9 keeping or feeding of animals not owned by the employer for the
10 production of livestock or livestock products.
11 (3) If the employer is the state or any governmental
12 agency created by the state, the exemption from the act under
13 subdivision (2)(d) of this section does not apply.
14 (4) If the act applies to an employer because the
15 employer meets the requirements of subdivisions (2)(d)(i) and
16 (2)(d)(ii) of this section, all unrelated employees shall be
17 covered under the act and such employees' wages shall be considered
18 for premium purposes.
19 (5) If an employer to whom the act applies because the
20 employer meets the requirements of subdivisions (2)(d)(i) and
21 (2)(d)(ii) of this section subsequently employs fewer than six
22 unrelated employees, such employer shall continue to provide
23 workers' compensation insurance coverage for the employees for a
24 full calendar year after the number of employees is less than six.
25 Such employer may elect to return to exempt status, and if such
26 election is made, the employer shall give the employees notice as
27 provided in subsection (6) of this section.
1 (6) An employer who is exempt from the act may elect to
2 bring the employees of such employer under the act. Such election
3 is made by the employer obtaining a policy of workers' compensation
4 insurance covering such employees. Such policy shall be obtained
5 from a corporation, association, or organization authorized and
6 licensed to transact the business of workers' compensation
7 insurance in this state. If such an exempt employer procures a
8 policy of workers' compensation insurance which is in full force
9 and effect at the time of an accident to an employee of such
10 employer, such procurement is conclusive proof of the employer's
11 and employee's election to be bound by the act. Such an exempt
12 employer who has procured a policy of workers' compensation
13 insurance may elect to return to exempt status by (a) posting,
14 continuously in a conspicuous place at the employment locations of
15 the employees for a period of at least ninety days, a written or

16 printed notice stating that the employer will no longer carry
17 workers' compensation insurance for the employees and the date such
18 insurance will cease and (b) thereafter no longer carrying a policy
19 of workers' compensation insurance. Failure to provide notice in
20 accordance with this subsection voids an employer's attempt to
21 return to exempt status.

22 (7) An exclusion from coverage in any health, accident,
23 or other insurance policy covering a person employed by an employer
24 who is exempt from the act under this section which provides that
25 coverage under the health, accident, or other insurance policy does
26 not apply if such person is entitled to workers' compensation
27 coverage is void as to such person if such employer has not elected
1 to bring the employees of such employer within the act as provided
2 in subsection (6) of this section.

3 (8) For purposes of this section:

4 (a) Agricultural operation means (i) the cultivation of
5 land for the production of agricultural crops, fruit, or other
6 horticultural products or (ii) the ownership, keeping, or feeding
7 of animals for the production of livestock or livestock products;
8 and

9 (b) Related employee means an employee related to the
10 employer within the third degree by blood or marriage.
11 Relationship by blood or marriage within the third degree includes
12 parents, grandparents, great grandparents, children, grandchildren,
13 great grandchildren, brothers, sisters, uncles, aunts, nephews,
14 nieces, and spouses of the same. If the employer is a partnership,
15 limited liability company, or corporation in which all of the
16 partners, members, or shareholders are related within the third
17 degree by blood or marriage, then related employee means any
18 employee related to any such partner, member, or shareholder within
19 the third degree by blood or marriage. The Nebraska Workers'
20 Compensation Act shall apply to the State of Nebraska and every
21 governmental agency created by it, and to every employer in this
22 state, including nonresident employers performing work in the State
23 of Nebraska, employing one or more employees, in the regular trade,
24 business, profession, or vocation of such employer, except railroad
25 companies engaged in interstate or foreign commerce.

26 (2) The following are declared not to be hazardous
27 occupations and not within the provisions of the Nebraska Workers'
1 Compensation Act: Employers of household domestic servants and
2 employers of farm or ranch laborers. An employer who is excluded
3 from the act under this subsection may elect to bring the employees
4 of such employer within the provisions of the act. Such election
5 is made by the employer obtaining a policy of workers' compensation
6 insurance covering such employees from a corporation, association,
7 or organization authorized and licensed to transact the business of
8 workers' compensation insurance in this state. If an employer who
9 is excluded from the act under this subsection has not elected to
10 bring the employees of such employer within the provisions of the

11 act by obtaining a policy of workers' compensation insurance as
12 provided in this subsection and any health, accident, or other
13 insurance policy covering such employees contains an exclusion of
14 coverage if the insured is otherwise entitled to workers'
15 compensation coverage, such exclusion shall be null and void as to
16 such employees.

17 (3) The procuring by any such employer of such a policy
18 of insurance, referred to in subsection (2) of this section, which
19 is in full force and effect at the time of an accident to any of
20 his or her employees, shall be conclusive proof of such employer's
21 and his or her employees' election to be bound by the Nebraska
22 Workers' Compensation Act, to all intents and purposes as if they
23 had not been specifically excluded by the terms of this section.
24 Such employer of household domestic servants and such employer of
25 farm or ranch laborers who has procured such a policy of insurance
26 may elect to return to the status of being not within the
27 provisions of the Nebraska Workers' Compensation Act by (a) no
1 longer carrying a policy of workers' compensation insurance and (b)
2 posting and thereafter keeping continuously posted for a period of
3 at least one year in a conspicuous place about the place or places
4 where his or her workers are employed a written or printed notice
5 of election not to be bound by the provisions of such act.

6 Sec. 2. Section 48-125.01, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 48-125.01. Any employer who knowingly transfers, sells,
9 encumbers, assigns, or in any manner disposes of, conceals,
10 secretes, or destroys any property or records belonging to such
11 employer, after one of his or her employees has been injured within
12 the purview of the Nebraska Workers' Compensation Act, and with
13 intent to avoid the payment of compensation under such act to such
14 employee or his or her dependents, shall be guilty of a Class I
15 misdemeanor. In any case when such employer is a corporation, any
16 officer or employee thereof, if knowingly participating or
17 acquiescing in the act with intent to avoid the payment of
18 compensation under the ~~Nebraska Workers' Compensation Act~~ act,
19 shall be also individually guilty of a Class I misdemeanor as well
20 as jointly and severally liable with such corporation for any fine
21 imposed upon the corporation. In any case when such employer is a
22 limited liability company, any member or manager thereof, if
23 knowingly participating or acquiescing in the act with intent to
24 avoid the payment of compensation under the ~~Nebraska Workers'~~
25 ~~Compensation Act~~ act, shall be also individually guilty of a Class
26 I misdemeanor as well as jointly and severally liable with such
27 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 Sec. 3. Original section 48-125.01, Reissue Revised
 9 Statutes of Nebraska, and section 48-106, Revised Statutes
 10 Supplement, 2002, are repealed."

LEGISLATIVE BILL 483. Placed on General File as amended.
 Standing Committee amendment to LB 483:
 AM0835

1 1. On page 5, line 15, strike "employer" and insert
 2 "risk management pool"; in line 20, strike "or psychologist" and
 3 after the period, insert "A compensation insurer, risk management
 4 pool, self-insurer, or employer shall not pursuant to a patient's
 5 waiver be entitled to an employee's hospital or medical records
 6 that pertain to an employee's previous treatment for sexual abuse,
 7 human immunodeficiency virus, mental health conditions, or alcohol
 8 or controlled substance abuse."; and strike beginning with "Any" in
 9 line 24 through line 28.
 10 2. On page 6, strike line 1.

LEGISLATIVE BILL 558. Placed on General File as amended.
 Standing Committee amendment to LB 558:
 AM0633

1 1. On page 2, strike lines 1 through 9; in line 10
 2 strike "(2)" and insert "(1)"; in line 19 strike "(3)" and insert
 3 "(2)"; and in line 28 strike "(4)" and insert "(3)".

LEGISLATIVE BILL 807. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 117:
 AM0917

(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 earlier of (a)
 6 the date of the distribution of the property or (b) the date of
 7 last contact with a policyholder.
 8 Sec. 2. Section 69-1310, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 69-1310. (a) Every person holding funds or other
 11 property, tangible or intangible, presumed abandoned under the
 12 Uniform Disposition of Unclaimed Property Act shall report to the
 13 State Treasurer with respect to the property as hereinafter

14 provided.

15 (b) The report shall be verified and shall include:

16 (1) Except with respect to traveler's checks and money
17 orders, the name, if known, and last-known address, if any, of each
18 person appearing from the records of the holder to be the owner of
19 any property presumed abandoned under the act;

20 (2) In case of unclaimed funds of life insurance
21 corporations, the full name of the insured or annuitant and his or
22 her last-known address according to the life insurance
23 corporation's records;

1 (3) The nature and identifying number, if any, or
2 description of the property and the amount appearing from the
3 records to be due, except that items of less than twenty-five
4 dollars may be reported in the aggregate;

5 (4) The date when the property became payable,
6 demandable, or returnable, and the date of the last transaction
7 with the owner with respect to the property; and

8 (5) Other information which the State Treasurer may
9 prescribe by rule as necessary for the administration of the act.

10 (c) If the person holding property presumed abandoned is
11 a successor to other persons who previously held the property for
12 the owner, or if the holder has changed his or her name while
13 holding the property, he or she shall file with his or her report
14 all prior known names and addresses of each holder of the property.

15 (d) The report shall be filed before November 1 of each
16 year as of June 30 next preceding, but the report of life insurance
17 corporations shall be filed before May 1 of each year as of
18 December 31 next preceding. A one-time supplemental report shall
19 be filed by life insurance corporations with regard to property
20 subject to section 1 of this act before November 1, 2003, as of
21 December 31, 2002, as if section 1 of this act had been in effect
22 prior to January 1, 2003. The property must accompany the report
23 unless excused by the State Treasurer for good cause. The State
24 Treasurer may postpone the reporting date upon written request by
25 any person required to file a report.

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

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

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

- 13 69-1329. Sections 69-1301 to 69-1329 and section 1 of
14 this act may be cited as the Uniform Disposition of Unclaimed
15 Property Act."
- 16 2. On page 1, line 5, strike "All", show as stricken,
17 and insert "Except as otherwise provided in this subdivision, all";
18 and in line 11 after the period insert "All funds received under
19 section 1 of this act shall be deposited by the State Treasurer in
20 a separate life insurance corporation demutualization trust fund
21 from which he or she shall make prompt payment of claims regarding
22 such funds allowed pursuant to the act.".
- 23 3. On page 9, line 20, after "sections" insert "69-1310,
24 69-1329," and after "81-1111" insert a comma.
- 25 4. Renumber the remaining sections and correct internal
26 references accordingly.

Senator Redfield filed the following amendment to LB 175:
AM0925

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
2 "Sec. 16. Any political subdivision may, at the
3 discretion of the governing body of the subdivision, sell bonds
4 which the political subdivision is authorized to issue under any
5 provision of law using an Internet auction system. The governing
6 body shall comply with all other statutory requirements for the
7 issuance of the bonds.".
- 8 2. On page 1, line 11, after the semicolon insert "to
9 authorize political subdivisions to sell bonds using an Internet
10 auction system;".

VISITORS

Visitors to the Chamber were Senator Burling's son and grandchildren, Dan, Brennan, and Brea Burling, from Kenesaw; Steven Scharf from Lincoln; Senator McDonald's daughter and grandchildren, Shelly, Austin, and Lauren Pair, from Dallas, Texas; 50 twelfth-grade students and teacher from Aurora; 52 fourth-grade students and sponsors from Crete; Mayor Whitaker and 25 members of the Mayor's Youth Council from North Platte; and 50 fourth-grade students and teachers from Crete.

MOTION - Recess

Senator Bromm moved to recess until 1:45 p.m.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recess.

Voting in the affirmative, 37:

Baker	Engel	Kremer	Pedersen, Dw.	Stuhr
Beutler	Erdman	Kruse	Pederson, D.	Synowiecki
Bourne	Foley	Landis	Preister	Thompson
Bromm	Friend	Louden	Quandahl	Vrtiska
Burling	Hartnett	Maxwell	Raikes	Wehrbein
Combs	Hudkins	McDonald	Redfield	
Connealy	Janssen	Mines	Schrock	
Cunningham	Johnson	Mossey	Smith	

Voting in the negative, 2:

Chambers Stuthman

Present and not voting, 5:

Brashear Brown Price Schimek Tyson

Excused and not voting, 5:

Aguilar Byars Cudaback Jensen Jones

The Bromm motion to recess prevailed with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting, and at 12:15 p.m., the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brown, Maxwell, and Dw. Pedersen who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 608. The fourth Standing Committee amendment, FA1207, found on page 1011 and considered in this day's Journal, as amended, was renewed.

The fourth Standing Committee amendment, as amended, was adopted with 33 ayes, 4 nays, 9 present and not voting, and 3 excused and not voting.

The fifth Standing Committee amendment is as follows:

FA1208

12 of at least thirty new employees, (b) the investment in qualified
 13 property of at least three million dollars and the hiring of at
 14 least twenty new employees for projects in which all of the

15 qualified property claimed by the taxpayer is located in one or
16 more Nebraska counties each having a population of less than twenty
17 thousand individuals at the end of the base year, or (c) ~~or (b)~~ the
16 added at least thirty new employees for projects qualifying under
17 subdivision (3)(a) of section 77-4104, or at least twenty new
18 employees for projects qualifying under subdivision (3)(b) of
19 section 77-4104, at the project shall also be entitled to:

The fifth Standing Committee amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

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

Advanced to E & R for review with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 667. Title read. Considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment, AM0484, found on page 632, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Senator Jensen offered the following motion:

To suspend the rules, Rule 7, Section 3(d), to permit consideration of AM821 to LB 667.

The Jensen motion to suspend the rules prevailed with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

Senator Jensen renewed his pending amendment, AM0821, printed separately and referred to on page 937.

Senator Jensen renewed his pending amendment, AM0896, found on page 1017, to his pending amendment.

The Jensen amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following amendment to the Jensen pending amendment:

FA1209

Amend AM0821

On page 10 in line 24 strike "that" and insert "who".

SENATOR CUDABACK PRESIDING

Senators Beutler, Brashear, Engel, and Hartnett asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Jensen amendment, AM0821, 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.

AMENDMENT - Print in Journal

Senators Bourne and Byars filed the following amendment to LB 513:
AM0970

- 1 1. On page 2, line 23, after "(3)" insert "If the
- 2 postsecondary educational institution provides information to the
- 3 enrolled person, or the enrolled person's parent or guardian if the
- 4 enrolled person is a minor, it shall include information on the
- 5 availability of an indigent patient fund administered by the
- 6 National Organization of Rare Disorders to assist qualified persons
- 7 with the cost of the vaccine.
- 8 (4)".

ADJOURNMENT

At 4:41 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

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~~
24 ~~clerk therefor, and shall be held strictly accountable for all~~
25 ~~receipts, including receipts found missing at regular settlement,~~
26 ~~and also for all detached receipts, the duplicates of which do not~~
27 ~~show the entry of taxes paid. All irregularities in the issuance~~
28 ~~of receipts that render them worthless must be shown on the face of~~
29 ~~the original, which must in no case be detached from the~~
30 ~~duplicate."~~

31 2. On page 1, lines 1 and 2, strike "section 18-1743"
32 and insert "sections 18-1743 and 77-1707"; in line 4 before "and"
33 insert "77-1706,"; and in line 7 after the semicolon insert "to
34 change provisions relating to receipts issued by county
35 treasurers,".

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

39 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 Western Cooperative Co.,

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 Keith County,

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 MCI Worldcom,

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 Oppenheimer Funds,

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 Oppenheimer Funds,

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 Automated Business Development Corporation,

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 Gerald and Joan Beller,

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 Lisa Oliveto and Ann Ebsen, Attorney,

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 brining 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

FIFTY-FIRST DAY - MARCH 27, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 27, 2003

PRAYER

The prayer was offered by Senator Burling.

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 Chambers, Raikes, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 72.

A BILL FOR AN ACT relating to income tax refunds; to amend section 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 2002; to provide for contributions of income tax refunds to the Nebraska State Fair; to change provisions relating to contributions of income tax refunds to the Campaign Finance Limitation Cash Fund; to create a fund; 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, 35:

Aguilar	Combs	Hudkins	McDonald	Schrock
Baker	Cudaback	Janssen	Mines	Stuhr
Beutler	Cunningham	Johnson	Mossey	Stuthman
Bourne	Erdman	Jones	Pedersen, Dw.	Synowiecki
Bromm	Foley	Kremer	Preister	Thompson
Burling	Friend	Kruse	Price	Vrtiska
Byars	Hartnett	Landis	Schimek	Wehrbein

Voting in the negative, 5:

Connealy	Jensen	Quandahl	Redfield	Smith

Present and not voting, 6:

Brashear	Engel	Maxwell
Brown	Louden	Pederson, D.

Excused and not voting, 3:

Chambers	Raikes	Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 72A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, Ninety-eighth Legislature, First Session, 2003; and to provide for a transfer.

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	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Baker	Erdman	Jones	Preister	Stuthman
Beutler	Foley	Kremer	Price	Synowiecki
Bourne	Friend	Kruse	Quandahl	Thompson
Bromm	Hartnett	Landis	Raikes	Tyson
Burling	Hudkins	McDonald	Schimek	Vrtiska
Byars	Janssen	Mines	Schrock	Wehrbein
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Brashear	Connealy	Engel	Maxwell	Redfield
Brown	Cudaback	Louden	Pederson, D.	

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 Engel 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 291 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 291. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5021, Reissue Revised Statutes of Nebraska, and sections 77-103.01, 77-1504.01, 77-1510, 77-5001, 77-5003, 77-5005, 77-5011, 77-5015, 77-5016, 77-5022, and 77-5023, Revised Statutes Supplement, 2002; to redefine a term; to change provisions relating to appeals, the Tax Equalization and Review Commission, hearings, notices, meetings, and powers and duties; 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	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 319. With Emergency.

A BILL FOR AN ACT relating to tax deeds; to amend sections 77-1832 to 77-1834, Reissue Revised Statutes of Nebraska; to change notice requirements; 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, 47:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Brown	Friend	Louden	Raikes	Wehrbein
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Stuthman

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 331.

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.

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	Combs	Hudkins	McDonald	Schimek
Baker	Connealy	Jensen	Mines	Schrock
Beutler	Cudaback	Johnson	Mossey	Smith
Bourne	Cunningham	Jones	Pedersen, Dw.	Stuhr
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Janssen Pederson, D.

Excused and not voting, 2:

Chambers Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 365.

A BILL FOR AN ACT relating to cities and villages; to amend section 16-404, Reissue Revised Statutes of Nebraska, and section 17-614, Revised Statutes Supplement, 2002; to change provisions relating to the enactment of ordinances; 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	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Brown	Friend	Louden	Raikes	Wehrbein
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 371.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1438, Reissue Revised Statutes of Nebraska; to provide warranty obligations for certain motor vehicle parts manufacturers 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, 47:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Brown	Friend	Louden	Raikes	Wehrbein
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Stuthman

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 381 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 381.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324 and 77-27,143, Reissue Revised Statutes of Nebraska, and sections 13-2814 and 77-2703, Revised Statutes Supplement, 2002; to change provisions relating to collection of sales tax on rented and leased motor vehicles; 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, 45:

Aguilar	Combs	Jensen	Mines	Schimek
Baker	Cudaback	Johnson	Mossey	Schrock
Beutler	Cunningham	Jones	Pedersen, Dw.	Smith
Bourne	Erdman	Kremer	Pederson, D.	Stuhr
Brashear	Foley	Kruse	Preister	Synowiecki
Bromm	Friend	Landis	Price	Thompson
Brown	Hartnett	Louden	Quandahl	Tyson
Burling	Hudkins	Maxwell	Raikes	Vrtiska
Byars	Janssen	McDonald	Redfield	Wehrbein

Voting in the negative, 1:

Connealy

Present and not voting, 1:

Engel

Excused and not voting, 2:

Chambers Stuthman

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 381A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 381, Ninety-eighth Legislature, First Session, 2003.

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	Conneally	Jensen	Mines	Schimek
Baker	Cunningham	Johnson	Mossey	Schrock
Beutler	Engel	Jones	Pedersen, Dw.	Smith
Brashear	Erdman	Kremer	Pederson, D.	Stuhr
Bromm	Foley	Kruse	Preister	Synowiecki
Brown	Friend	Landis	Price	Thompson
Burling	Hartnett	Louden	Quandahl	Tyson
Byars	Hudkins	Maxwell	Raikes	Vrtiska
Combs	Janssen	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Bourne Cudaback

Excused and not voting, 2:

Chambers Stuthman

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 394 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 394. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-102, 79-403, 79-411, 79-419, 79-479, 79-611, and 79-1036, Revised Statutes Supplement, 2002, and section 79-528, Revised Statutes Supplement, 2002, as amended by section 6, Legislative Bill 67, Ninety-eighth Legislature, First Session, 2003; to change provisions relating to grade offerings for Class VI schools; to harmonize provisions; to provide an operative date; 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	Mines	Schimek
Baker	Cudaback	Jensen	Mossey	Schrock
Bourne	Cunningham	Jones	Pedersen, Dw.	Smith
Brashear	Engel	Kremer	Pederson, D.	Stuhr
Bromm	Erdman	Kruse	Preister	Synowiecki
Brown	Foley	Landis	Price	Thompson
Burling	Friend	Louden	Quandahl	Tyson
Byars	Hartnett	Maxwell	Raikes	Vrtiska
Combs	Hudkins	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Beutler Johnson

Excused and not voting, 2:

Chambers Stuthman

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 418.

A BILL FOR AN ACT relating to labor; to amend sections 48-2201 to 48-2206, Reissue Revised Statutes of Nebraska, and sections 48-1702 and 81-404, Revised Statutes Supplement, 2002; to name the Non-English-Speaking Workers Protection Act; to define terms; to eliminate a termination date; 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	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Synowiecki
Beutler	Cunningham	Jones	Preister	Thompson
Bourne	Engel	Kremer	Price	Tyson
Brashear	Erdman	Landis	Quandahl	Vrtiska
Bromm	Foley	Louden	Raikes	Wehrbein
Brown	Friend	Maxwell	Redfield	
Burling	Hartnett	McDonald	Schimek	
Byars	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Chambers Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 429

Senator Chambers withdrew his pending amendment, FA1181, found on page 664, to LB 429.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 429. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend sections 9-203, 9-204, and 9-241.10, Reissue Revised Statutes of Nebraska, and sections 9-201 and 9-204.01, Revised Statutes Supplement, 2002; to authorize the use of bingo card monitoring devices; to define and redefine terms; to change provisions relating to the use of bingo cards; 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	Combs	Hudkins	Maxwell	Redfield
Baker	Connealy	Janssen	McDonald	Schimek
Beutler	Cudaback	Jensen	Mines	Schrock
Bourne	Cunningham	Johnson	Mossey	Smith
Brashear	Engel	Jones	Pedersen, Dw.	Stuhr
Bromm	Erdman	Kremer	Pederson, D.	Synowiecki
Brown	Foley	Kruse	Preister	Thompson
Burling	Friend	Landis	Quandahl	Tyson
Byars	Hartnett	Louden	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Price Vrtiska

Excused and not voting, 2:

Chambers Stuthman

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 443.

A BILL FOR AN ACT relating to taxation; to amend section 77-422, Reissue Revised Statutes of Nebraska, and sections 77-414, 77-415, 77-417, and 77-420, Revised Statutes Supplement, 2002; to change provisions relating to educational standards, expenses, and certification of holders of county assessor certificates; to provide powers and duties; to provide termination dates for courses of training and related expenses; 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	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Brown	Friend	Louden	Raikes	Wehrbein
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 537.

A BILL FOR AN ACT relating to elections; to amend section 32-617, Reissue Revised Statutes of Nebraska, and sections 32-608 and 32-615, Revised Statutes Supplement, 2002; to change provisions relating to filing 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, 47:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Brown	Friend	Louden	Raikes	Wehrbein
Burling	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 561. With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend section 60-305.02, Reissue Revised Statutes of Nebraska, and section 60-305.09, Revised Statutes Supplement, 2002; to provide for sanctions against registration certificates issued under the International Registration Plan for federal violations; to change provisions relating to operation of nonresident vehicles and trip permits; 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	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 562 with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 562.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,131, 60-4,138, 60-4,156, 60-4,168.01, and 60-4,172, Reissue Revised Statutes of Nebraska, and sections 29-3608, 60-462, 60-483, 60-487, 60-4,112, 60-4,132, 60-4,137, 60-4,141.01, 60-4,142, 60-4,144, and 60-4,168, Revised Statutes Supplement, 2002; to change issuance requirements for licenses and permits; to define, redefine, and eliminate terms; to provide for a school bus endorsement; to provide additional reasons for disqualification of drivers and cancellation, revocation, and suspension of licenses; to provide for a waiver of the commercial driving skills test; to provide reporting and notice requirements and other duties for the Director of Motor Vehicles and the Department of Motor Vehicles; to provide for applicability of federal regulations; to change and provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-467 and 60-477, 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, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

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 562A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 562, Ninety-eighth Legislature, First Session, 2003.

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	Conneally	Johnson	Pedersen, Dw.	Stuhr
Baker	Cunningham	Jones	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Brashear	Foley	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Vrtiska
Brown	Hartnett	Maxwell	Redfield	Wehrbein
Burling	Hudkins	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 1:

Chambers

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 563 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 563.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-104, 60-305.02, 60-305.04, 60-305.10, 60-305.11, 60-305.14, 60-305.17, 60-306, 60-318, 60-331, 60-344, 60-348, 60-3007, 75-305, and 75-386, Reissue Revised Statutes of Nebraska, and sections 13-518, 39-2215, 60-102, 60-106, 60-301, 60-305.03, 60-305.09, 60-305.15, 60-305.16, 60-310, 60-311, 60-311.02, 60-6,298, 60-1401.02, 60-3002, 60-3004, 66-1406.02, 66-1414, 77-1342, and 77-2703, Revised Statutes Supplement, 2002; to define and redefine terms; to change and transfer provisions relating to apportionable vehicles in interjurisdiction commerce;

to adopt provisions of the International Registration Plan; to create the International Registration Plan Act; 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Conneally	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

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.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 2CA.

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 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 real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real 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 certain improvements to historically significant real property from property taxation.

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, 44:

Aguilar	Combs	Janssen	McDonald	Smith
Baker	Connealy	Jensen	Mossey	Stuhr
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Pederson, D.	Synowiecki
Brashear	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Hartnett	Louden	Schimek	Wehrbein
Byars	Hudkins	Maxwell	Schrock	

Voting in the negative, 3:

Friend	Quandahl	Redfield

Present and not voting, 2:

Chambers	Mines

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

GENERAL FILE

LEGISLATIVE BILL 479. Title read. Considered.

Senator Schrock offered the following motion:
Bracket LB 479 until January 1, 2004.

Senators Engel and Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 72, 72A, 291, 319, 331, 365, 371, 381, 381A, 394, 418, 429, 443, 537, 561, 562, 562A, 563, and LR 2CA.

GENERAL FILE

LEGISLATIVE BILL 479. The Schrock pending motion, found in this day's Journal, to bracket until January 1, 2004, was renewed.

Senator Schrock withdrew his motion to bracket.

Senator Chambers asked unanimous consent to bracket LB 479 until May 1, 2003.

Senator Beutler objected.

Senator Chambers offered the following motion:
Bracket LB 479 until May 1, 2003.

Senators Brashear and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 608. Placed on Select File as amended.
(E & R amendment, AM7090, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 667. Placed on Select File as amended.
(E & R amendment, AM7091, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Mossey, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 2003, at 11:35 a.m. were the following: LBs 72, 72A, 291e, 319e, 331, 365, 371, 381, 381A, 394e, 418, 429e, 443, 537, 561e, 562, 562A, and 563.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 27, 2003, at 11:35 a.m. was the following: LR 2CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 619:
AM1038

(Amendments to E & R amendments, AM7082)

- 1 1. On page 5, line 1, strike the new matter.

VISITORS

Visitors to the Chamber were Kiwanis members from across the state; 28 kindergarten through fifth-grade students and teachers from Knowledge Beginnings School, Lincoln; 60 fourth-grade students and teachers from Norman Rockwell School, Omaha; Steve and Peggy Bunsen from Smithfield; and 7 kindergarten through sixth-grade students and teacher from Linwood.

RECESS

At 12:03 p.m., on a motion by Senator Wehrbein, 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 Engel who was excused; and Senators Bourne, Brashear, Bromm, Burling, Byars, Hartnett, Jensen, Landis, Price, and Vrtiska who were excused until they arrive.

AMENDMENT - Print in Journal

Senators Wehrbein and Beutler filed the following amendment to LB 607: AM1032

(Amendments to E & R amendments, AM7084)

- 1 1. On page 12, line 10, strike "and" and insert an
- 2 underscored comma; and in line 11 after "Audits" insert ", and the
- 3 Reporting Standards for Performance Audits".
- 4 2. On page 27, line 14; and page 28, line 27, after the
- 5 underscored comma insert "as that term is defined in the Electronic
- 6 Codification of Government Auditing Standards as of July 1999,
- 7 published by the Comptroller General of the United States, General
- 8 Accounting Office".
- 9 3. On page 29, line 3, after "shall" insert
- 10 "immediately" and after "them" insert "in writing"; and in line 4
- 11 after "may" insert "investigate the issue further or" and strike
- 12 "them" and insert "it".

GENERAL FILE

LEGISLATIVE BILL 479. The Chambers pending motion, found in this

day's Journal, to bracket until May 1, 2003, was renewed.

The Chambers motion to bracket prevailed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

The Standing Committee amendment, AM0571, printed separately and referred to on page 833, was considered.

SPEAKER BROMM PRESIDING

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

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

AM1053

(Amendments to Standing Committee amendments, AM0571)

- 1 1. Strike section 9.
- 2 2. On page 8, strike lines 12 and 13.
- 3 3. Renumber the remaining sections and correct internal
- 4 references accordingly.

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

Senators D. Pederson, Schrock, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

The Kruse amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Baker moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Baker	Friend	Jones	Raikes	Tyson
Burling	Hartnett	Kruse	Redfield	Wehrbein
Combs	Hudkins	Louden	Smith	
Cunningham	Janssen	McDonald	Stuhr	
Erdman	Jensen	Mossey	Stuthman	
Foley	Johnson	Preister	Synowiecki	

Voting in the negative, 2:

Chambers Pedersen, Dw.

Present and not voting, 15:

Aguilar	Bromm	Cudaback	Maxwell	Quandahl
Beutler	Brown	Kremer	Mines	Schimek
Bourne	Connealy	Landis	Price	Thompson

Excused and not voting, 6:

Brashear	Engel	Schrock
Byars	Pederson, D.	Vrtiska

Advanced to E & R for review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 626. Senator Landis offered the following motion: Indefinitely postpone pursuant to Rule 6, Section 3(f).

Laid over.

LEGISLATIVE BILL 790. Title read. Considered.

The Standing Committee amendment, AM0809, found on page 903, was considered.

Senator Bourne withdrew the Bourne et al. pending amendment, AM0889, found on page 996.

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

AM1066

(Amendments to Standing Committee amendments, AM0809)

- 1 1. Insert the following new sections:
- 2 "Sec. 65. (1) Whenever, in order to carry out the duties
- 3 imposed upon it by law, the commission, in a proceeding upon its
- 4 own motion, on complaint, or upon an application to it, deems it
- 5 necessary to investigate any public utility or common carrier or
- 6 make appraisals of the property of any public utility or common

7 carrier, such public utility or common carrier, in case the
8 expenses reasonably attributable to such investigation or appraisal
9 exceed the sum of one hundred dollars, including both direct and
10 indirect expenses incurred by the commission or its staff, shall
11 pay such expenses which shall be assessed against such public
12 utility or common carrier by the commission. Such expenses shall
13 be assessed beginning on the date that the proceeding is filed or
14 beginning three business days after the commission gives the public
15 utility or common carrier notice of the assessment by United States
16 mail, whichever is later. The commission shall give such public
17 utility or common carrier notice and opportunity for a hearing in
18 accordance with the Administrative Procedure Act. At such hearing,
19 the public utility or common carrier may be heard as to the
20 necessity of such investigation or appraisal and may show cause, if
21 any, why such investigation or appraisal should not be made or why
22 the costs thereof should not be assessed against such public
23 utility or common carrier. The finding of the commission as to the
1 necessity of the investigation or appraisal and the assessment of
2 the expenses thereof shall be conclusive, except that no such
3 public utility or common carrier shall be liable for payment of any
4 such expenses incurred by the commission in connection with any
5 proceeding before or within the jurisdiction of any federal
6 regulatory body.

7 (2) The commission shall ascertain the expenses of any
8 such investigation or appraisal and by order assess such expenses
9 against the public utility or common carrier investigated or whose
10 property is appraised in such proceeding, and shall render a bill
11 therefor, by United States mail, to the public utility or common
12 carrier, either at the conclusion of the investigation or appraisal
13 or from time to time during such investigation or appraisal. Such
14 bill shall constitute notice of such assessment and demand of
15 payment thereof. Upon a bill rendered to such public utility or
16 common carrier, within fifteen days after the mailing thereof, such
17 public utility or common carrier shall pay to the commission the
18 amount of the assessment for which it is billed. Such payment when
19 made shall be remitted by the commission to the State Treasurer for
20 credit to the Public Service Commission Regulation Fund for the use
21 of the commission or for the use of the Citizens' Utility Ratepayer
22 Board. The total amount, in any one fiscal year, for which any
23 public utility or common carrier shall be assessed under this
24 section shall not exceed the following: (a) For a public utility or
25 common carrier that is under the jurisdiction of the commission and
26 has not filed an annual report with the commission as provided in
27 the State Natural Gas Regulation Act prior to the beginning of the
1 commission's fiscal year, actual expenses, including direct and
2 indirect expenses, incurred by the commission, the commission's
3 staff, or the Citizens' Utility Ratepayer Board; and (b) for any
4 other public utility or common carrier under the jurisdiction of
5 the commission, six-tenths of one percent of the public utility's

6 or common carrier's gross operating revenues derived from
7 intrastate operations as reflected in the last annual report filed
8 with the commission pursuant to the act prior to the beginning of
9 the commission's fiscal year. The commission may render bills in
10 one fiscal year for costs incurred within a previous fiscal year.

11 (3) The commission, in accordance with the procedures
12 prescribed by subsection (2) of this section, may assess against an
13 entity, other than a residential or small commercial ratepayer,
14 that is not subject to assessment pursuant to subsection (1) of
15 this section actual expenses of any services extended, filings
16 processed, or actions certified by the commission for the entity.

17 Sec. 66. (1) The commission shall determine, within
18 fifteen days after each quarter-year for each such quarter-year,
19 the total amount of its expenditures during such period of time and
20 the total amount of expenditures of the Citizens' Utility Ratepayer
21 Board during such period of time. The total amount shall include
22 the salaries of members and employees and all other lawful
23 expenditures of the commission and the board, including all
24 expenditures in connection with investigations or appraisals made
25 under the State Natural Gas Regulation Act, except that there shall
26 not be included in such total amount of expenditures for the
27 purpose of this section the expenditures during such period of time
1 which are otherwise provided for by fees and assessments pursuant
2 to the act.

3 (2) From the amount determined under subsection (1) of
4 this section, the commission shall deduct (a) all amounts collected
5 under section 65 of this act during such period of time and (b) all
6 other funds collected with regard to public utilities or common
7 carriers.

8 (3) To the remainder, after making the deductions under
9 subsection (2) of this section, the commission shall add such
10 amount as in its judgment may be required to satisfy any deficiency
11 in the prior assessment period's assessment and to provide for
12 anticipated increases in necessary expenditures for the current
13 assessment period.

14 (4) The amount determined under subsections (1) to (3) of
15 this section shall be assessed by the commission against all public
16 utilities and common carriers subject to the jurisdiction of the
17 commission and shall not exceed, during any fiscal year, the
18 greater of one hundred dollars or each public utility's or common
19 carrier's proportionate share of the total amount determined under
20 this section based upon meters served by each public utility or
21 common carrier as a proportion of all meters of public utilities
22 and common carriers. Such assessment shall be paid to the
23 commission within fifteen days after the notice of assessment has
24 been mailed to such public utilities and common carriers, which
25 notice of assessment shall constitute demand of payment thereof.

26 (5) The commission shall remit all money received by or
27 for it for the assessment imposed under this section to the State

1 Treasurer for credit to the Public Service Commission Regulation
2 Fund.

3 (6) The commission shall not pursuant to this section
4 assess a total of more than two hundred fifty thousand dollars in
5 any twelve-month period.

6 Sec. 67. The Public Service Commission Regulation Fund
7 is created. The commission shall remit all money received by or
8 for it in payment of the fees or assessments imposed by the State
9 Natural Gas Regulation Act to the State Treasurer for credit to the
10 Public Service Commission Regulation Fund. Any money in the Public
11 Service Commission Regulation Fund available for investment shall
12 be invested by the state investment officer pursuant to the
13 Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act.

15 Sec. 68. If any public utility or common carrier against
16 which an assessment has been made pursuant to the State Natural Gas
17 Regulation Act, within fifteen days after the notice of such
18 assessment, (1) neglects or refuses to pay the same or (2) fails to
19 file objections to the assessment with the commission as provided
20 in section 69 of this act, the commission shall transmit to the
21 State Treasurer a certified copy of the notice of assessment,
22 together with notice of neglect or refusal to pay the assessment,
23 and on the same day the commission shall mail by registered mail to
24 the public utility or common carrier against which the assessment
25 has been made a copy of the notice which it has transmitted to the
26 State Treasurer. If any such public utility or common carrier
27 fails to pay such assessment to the State Treasurer within ten days
1 after receipt of such notice and certified copy of such assessment,
2 the assessment shall bear interest at the rate of fifteen percent
3 per annum from and after the date on which the copy of the notice
4 was mailed by registered mail to such public utility or common
5 carrier.

6 Sec. 69. (1) Within fifteen days after the date of the
7 mailing of any notice of assessment under sections 65 and 66 of
8 this act, the public utility or common carrier against which such
9 assessment has been made may file with the commission objections
10 setting out in detail the ground upon which such objector regards
11 such assessment to be excessive, erroneous, unlawful, or invalid.
12 The commission, after notice to the objector, shall hold a hearing
13 in accordance with the Administrative Procedure Act upon such
14 objections. The commission shall determine if the assessment or
15 any part of the assessment is excessive, erroneous, unlawful, or
16 invalid and shall render an order upholding, invalidating, or
17 amending the assessment. An amended assessment shall have in all
18 ways the same force and effect as though it were an original
19 assessment.

20 (2) If any assessment against which objections have been
21 filed is not paid within ten days after service of an order finding
22 that such objections have been overruled and disallowed by the

23 commission, the commission shall give notice of such delinquency to
24 the State Treasurer and to the objector, in the manner provided for
25 in the State Natural Gas Regulation Act. The State Treasurer shall
26 then collect the amount of such assessment. If an amended
27 assessment is not paid within ten days after service of the order
1 of the commission, the commission shall notify the State Treasurer
2 and the objector as in the case of delinquency in the payment of an
3 original assessment. The State Treasurer shall then collect the
4 amount of such assessment as provided in the case of an original
5 assessment.

6 Sec. 70. Every public utility or common carrier against
7 which an assessment is made shall pay the amount thereof, and after
8 such payment may under the conditions in the State Natural Gas
9 Regulation Act, at any time within one year from the date the
10 payment was made, sue the state in an action at law to recover the
11 amount paid with legal interest thereon from the date of payment,
12 upon the ground that the assessment was excessive, erroneous,
13 unlawful, or invalid in whole or in part. If it is finally
14 determined in such action that any part of the assessment, for
15 which payment was made, was excessive, erroneous, unlawful, or
16 invalid, the State Treasurer shall make a refund to the claimant as
17 directed by the court.

18 Sec. 71. (1) No action for recovery of any amount paid
19 pursuant to the State Natural Gas Regulation Act shall be
20 maintained in any court unless objections have been filed with the
21 commission as provided in section 69 of this act. In any action
22 for recovery of any payments made under the act, the claimant shall
23 be entitled to raise every relevant issue of law, but the
24 commission's findings of fact made pursuant to the act shall be
25 prima facie evidence of the facts therein stated.

26 (2) The following shall be deemed to be findings of fact
27 of the commission within the meaning of the act: (a) Determinations
1 of fact expressed in notices of assessments given pursuant to the
2 act and (b) determinations of fact set out in those minutes of the
3 commission which record the action of the commission in connection
4 with making the assessments and passing upon objections thereto.

5 Sec. 72. Public utilities owned and operated by a
6 municipality or a metropolitan utilities district shall establish
7 rates and conditions of service for all residential customers of
8 each such utility in a nondiscriminatory manner."

9 2. On page 1, line 1, strike "Insert" and insert "Strike
10 original sections 80 to 84 and insert".

11 3. On page 3, line 1, strike "66" and insert "74"; and
12 strike beginning with "Public" in line 3 through "district" in line
13 12 and insert "Public utility does not mean a natural gas utility
14 owned or operated by a municipality or a metropolitan utilities
15 district".

16 4. Renumber the remaining sections and correct internal
17 references and the repealer accordingly.

The Landis amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 3 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORT **Enrollment and Review**

LEGISLATIVE BILL 46. Placed on Select File as amended.

(E & R amendment, AM7092, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT **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
Richard DeFusco

VOTE: Aye: Senators Bourne, Erdman, Price, Stuhr, Synowiecki, and Wehrbein. Nay: None. Absent: None.

(Signed) Elaine Stuhr, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 303:
AM1041

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 16, lines 20 and 21; and page 17, lines 10
2 and 11, strike "equivalent" through "Act".

Senators Erdman, Wehrbein, and Hudkins filed the following amendment to LB 305:
AM1033

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 37-324, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 37-324. (1) The funds derived from the sale of permits
5 and publications as provided in the Game Law, any unexpended
6 balance now on hand from the sale of hunting, fur-harvesting, and
7 fishing permits, and all money required by the Game Law to be paid
8 into the State Game Fund are hereby appropriated to the use of the
9 commission (a) for the propagation, importation, protection,
10 preservation, and distribution of game and fish and necessary
11 equipment therefor and all things pertaining thereto, (b) for the
12 creation of cash funds under section 37-326, (c) for the
13 administration and enforcement of the State Boat Act, (d) for
14 boating safety educational programs, (e) for the construction and
15 maintenance of boating and docking facilities, navigation aids, and
16 access to boating areas and such other uses which will promote the
17 safety and convenience of the boating public in Nebraska, and (f)
18 ~~(e)~~ for publishing costs for publications relating to topics listed
19 in subdivisions (a) ~~through (d)~~ and (b) of this subsection and
20 other topics of general interest to the state as approved by the
21 commission. An amount equal to two dollars from each annual
22 resident fishing permit and two dollars from each combination
23 hunting and fishing permit sold in this state shall be used by the
1 commission for the administration, construction, operation, and
2 maintenance of fish hatcheries and for the distribution of fish.
3 (2) Expenditures for publications on topics of general
4 interest to the state shall not exceed the income derived from
5 single-copy and subscription sales of commission publications and
6 advertising revenue from such publications.

7 Sec. 20. Section 37-1015, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 37-1015. (1) The position of State Recreational Trails
10 Coordinator ~~is may be~~ established. ~~The coordinator shall be and~~
11 appointed by the Game and Parks Commission. Necessary office
12 space, furniture, equipment, and supplies as well as necessary
13 professional, technical, and clerical assistance shall be provided
14 by the commission.
15 (2) The duties of the State Recreational Trails
16 Coordinator shall include, but not be limited to:
17 (a) Maintaining and updating the Nebraska Comprehensive
18 Trails Plan. For purposes of this section, Nebraska Comprehensive
19 Trails Plan means the document dated July 1994 and entitled A
20 Network of Discovery: A Comprehensive Trails Plan for the State of
21 Nebraska;
22 (b) Marketing and promoting trails across the state;
23 (c) Maintaining and updating an inventory of trails
24 programs in Nebraska;
25 (d) Providing a central point for exchanging information
26 among communities with trails programs;
27 (e) Providing organizational and technical assistance to
1 communities and regional groups;

- 2 (f) Managing the state trails application and evaluation
3 process;
4 (g) Coordinating state government's trails development
5 efforts and administering the state trails program;
6 (h) Preparing and publishing an annual report on trails
7 development in the state;
8 (i) Monitoring and filing paperwork on rail abandonments
9 when necessary, consistent with rail-watch corridors established by
10 the Nebraska Comprehensive Trails Plan or its updates; and
11 (j) Managing other right-of-way acquisition efforts when
12 state involvement becomes necessary.

13 Sec. 21. Section 37-1214, Revised Statutes Supplement,
14 2002, is amended to read:

15 37-1214. (1) Except as otherwise provided in section
16 37-1211, the owner of each motorboat shall register such vessel or
17 renew the registration every three years as provided in section
18 37-1226. The owner of such vessel shall file an initial
19 application for a certificate of number pursuant to section 37-1216
20 with the county treasurer of the county in which the applicant
21 resides or, in the case of a nonresident, with any a county
22 treasurer on forms approved and provided by the commission. The
23 application shall be signed by the owner of the vessel, shall
24 contain the year manufactured, and shall be accompanied by a fee
25 for the three-year period of not less than fifteen dollars and not
26 more than twenty dollars for Class 1 boats, not less than thirty
27 dollars and not more than forty dollars for Class 2 boats, not less
1 than forty-five dollars and not more than sixty dollars for Class 3
2 boats, and not less than seventy-five dollars and not more than one
3 hundred dollars for Class 4 boats, as established by the commission
4 pursuant to section 37-327.

5 (2) If a county board consolidates services under the
6 office of a designated county official other than the county
7 treasurer pursuant to section 23-186, the powers and duties of the
8 county treasurer relating to registration under sections 37-1214 to
9 37-1227 shall be performed by the designated county official.

10 Sec. 22. Section 37-1241.04, Revised Statutes
11 Supplement, 2002, is amended to read:

12 37-1241.04. (1) A person shall operate a personal
13 watercraft on the waters of this state in a reasonable and prudent
14 manner. A maneuver which unreasonably or unnecessarily endangers
15 life, limb, or property is prohibited and includes weaving through
16 congested vessel traffic, or jumping the wake produced by another
17 vessel at a distance of less than thirty fifty yards, or jumping
18 the wake produced by a motorboat or personal watercraft that is
19 towing a person or persons.

20 (2) A person shall not operate a personal watercraft on
21 the waters of this state unless he or she is facing forward on the
22 watercraft.

23 Sec. 23. Section 37-1241.06, Revised Statutes

24 Supplement, 2002, is amended to read:

25 37-1241.06. (1)(a) No person under fourteen years of age
26 shall operate a motorboat or personal watercraft on the waters of
27 this state.

1 (b) No person under sixteen years of age shall operate a
2 motorboat or personal watercraft on the waters of this state with
3 an individual in tow behind the motorboat or personal watercraft.

4 (2) Effective May 1, 2000, and until January 1, 2004, a
5 person under sixteen years of age shall not operate a motorboat or
6 personal watercraft on the waters of this state unless he or she
7 has successfully completed a boating safety course approved by the
8 commission and has been issued a valid boating safety certificate.

9 (3) Effective January 1, 2004, a person under eighteen
10 years of age shall not operate a motorboat or personal watercraft
11 on the waters of this state unless he or she has successfully
12 completed a boating safety course approved by the commission and
13 has been issued a valid boating certificate.

14 (4) Effective January 1, 2005, a person under twenty-five
15 years of age shall not operate a motorboat or personal watercraft
16 on the waters of this state unless he or she has successfully
17 completed a boating safety course approved by the commission and
18 has been issued a valid boating certificate.

19 ~~(5) No person under fourteen years of age shall operate a~~
20 ~~personal watercraft on the waters of this state. The commission~~
21 ~~may charge a fee of no more than ten dollars for a boating safety~~
22 ~~course required by this section.~~

23 Sec. 24. Section 37-1241.07, Revised Statutes

24 Supplement, 2002, is amended to read:

25 37-1241.07. ~~Effective May 1, 2000 on the operative date~~
26 ~~of this section, the owner of a boat livery, or his or her agent or~~
27 ~~employee, shall not lease, hire, or rent a motorboat or personal~~
1 ~~watercraft to, or for operation by, any person under sixteen~~
2 ~~eighteen years of age, unless the person presents his or her~~
3 ~~certificate issued under section 37-1241.06.~~

4 Sec. 25. Section 37-1253, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 37-1253. (1) No person shall operate or give permission
7 for the operation of a motorboat on the waters of this state in
8 such a manner as to exceed a noise level of 96 decibels when
9 measured at one hundred feet or more on plane using the A-weighting
10 network of a sound level meter complying with the standards set
11 forth in S1.4-1983 (R 2001) of the American National Standards
12 Institute, as those standards existed on the operative date of this
13 section.

14 (2) The exhaust of every internal combustion engine used
15 on any motorboat shall be effectively muffled by equipment so
16 constructed and used as to muffle the noise of the exhaust in a
17 reasonable manner.

18 The use of cutouts is prohibited, except for motorboats

19 competing in a regatta or boat race approved as provided in
20 sections 37-1262 and 37-1263, and for such motorboats while on
21 trial runs, during a period not to exceed forty-eight hours
22 immediately preceding such regatta or race and for such motorboats
23 while competing in official trials for speed records during a
24 period not to exceed forty-eight hours immediately following such
25 regatta or race.

26 Sec. 26. Section 37-1256, Revised Statutes Supplement,
27 2002, is amended to read:

1 37-1256. (1) In the case of collision, accident, or
2 other casualty involving a vessel, the operator thereof, if the
3 collision, accident, or other casualty results in death, a missing
4 person, or injury to a person or damage to property in excess of
5 five hundred dollars, shall file with the commission a full
6 description of the collision, accident, or other casualty,
7 including such information and within such time limit as the
8 commission may by regulation require.

9 (2) The commission or any other law enforcement agency
10 shall notify the Nebraska State Patrol as soon as practicable in
11 any cases of collision, accident, or other casualty involving a
12 vessel, when the collision, accident, or other casualty results in
13 death, a missing person, or life-threatening injury to a person.

14 (3) The Nebraska State Patrol shall collaborate with the
15 commission or any other law enforcement agency in any
16 investigations pursuant to this section.

17 Sec. 27. Section 37-1273, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 37-1273. All fees as provided by the State Boat Act
20 shall be remitted to the ~~state treasury~~ and by the State Treasurer
21 placed in for credit to the State Game Fund to be used primarily
22 for (1) administration and enforcement of the State Boat Act, (2)
23 boating safety educational programs, (3) the construction and
24 maintenance of boating and docking facilities, navigation aids, and
25 access to boating areas and such other uses as will promote the
26 safety and convenience of the boating public in Nebraska, and (4)
27 publishing costs subject to the restrictions and limitations in
1 section 37-324. Secondary uses for the fees shall be for the
2 propagation, importation, protection, preservation, and
3 distribution of game and fish and necessary equipment therefor and
4 all things pertaining thereto. Such fund, when appropriated by the
5 Legislature, shall be used (1) for the propagation, importation,
6 protection, preservation, and distribution of game and fish and
7 necessary equipment therefor and all things pertaining thereto, (2)
8 for administration and enforcement of the State Boat Act, (3) for
9 the construction and maintenance of boating and docking facilities,
10 navigation aids, and access to boating areas and such other uses as
11 will promote the safety and convenience of the boating public in
12 Nebraska, and (4) for publishing costs subject to the restrictions
13 and limitations in section 37-324.

14 Sec. 28. Sections 1, 3 to 20, 25, and 29 of this act
15 become operative three calendar months after the adjournment of
16 this legislative session. Sections 2, 21, 22, 26, 27, and 30 of
17 this act become operative on June 1, 2003. The other sections of
18 this act become operative on their effective date.

19 Sec. 30. Original sections 37-324 and 37-1273, Reissue
20 Revised Statutes of Nebraska, and sections 37-1214, 37-1241.04, and
21 37-1256, Revised Statutes Supplement, 2002, are repealed.

22 Sec. 31. Original sections 37-1241.06 and 37-1241.07,
23 Revised Statutes Supplement, 2002, are repealed.

24 Sec. 32. Since an emergency exists, this act takes
25 effect when passed and approved according to law."

26 2. On page 1, line 1, after "sections" insert "37-324,";
27 in line 2 strike "and 37-496" and insert "37-496, 37-1015, 37-1253,
28 1 and 37-1273"; in line 5 strike "and 37-495" and insert "37-495,
29 2 37-1214, 37-1241.04, 37-1241.06, 37-1241.07, and 37-1256"; in line
30 3 8 strike "and limited deer permits" and insert "limited deer
31 4 permits, motorboat registration, the operation of motorboats and
32 5 personal watercraft, boating accident investigations, State Boat
33 6 Act fees, and the position of State Recreational Trails
34 7 Coordinator"; in line 10 strike "and" and insert "to provide
35 8 operative dates"; and in line 11 after "sections" insert "; and to
36 9 declare an emergency".

37 3. On page 19, line 25, strike "and"; and in line 26
38 11 after the first comma insert "37-1015, and 37-1253,".

39 4. Renumber the remaining sections and correct internal
40 13 references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 643. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jim, Beth, and Ryan Peschel from Osmond; 23 students and teachers from Omaha Christian Academy; and 11 eighth-grade students and teacher from Harrison.

ADJOURNMENT

At 4:47 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Friday, March 28, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 28, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 28, 2003

PRAYER

The prayer was offered by Pastor Norman Nelson, St. Peters Lutheran Church, Pender, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Byars, Engel, Loudon, D. Pederson, Preister, Schrock, Stuthman, Synowiecki, and Vrtiska who were excused; and Senators Brashear, Maxwell, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

UNANIMOUS CONSENT - Members Excused

Senators Foley, Landis, and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 27, 2003, 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

Adair, Peggy
League of Woman Voters of Nebraska

Benjamin, Connie
AARP

Buntain, David R.
Housing Authority of Lincoln

Cavanaugh Law Firm, P.C.
Tenet Health System

Kerr, Karren
League of Woman Voters of Nebraska

Mahlendorf, Donna
Dun & Bradstreet

Radcliffe, Walter H. of Radcliffe & Associates
League of Nebraska Municipalities

Roland, Gene
Kinder Morgan, Inc.

Siemek, Vern J.
Aquila

REPORTS

The following report was received by the Legislature:

Health and Human Services System

Newborn Hearing Screening Program Annual Report

RESOLUTION

LEGISLATIVE RESOLUTION 66. Introduced by Johnson, 37.

WHEREAS, the University of Nebraska-Kearney athletic teams have achieved national recognition and accomplishments in the 2002-2003 academic year; and

WHEREAS, the University of Nebraska-Kearney football team qualified for the Regional Play-Offs, posted six All-Region team members, and one All-American team member; and

WHEREAS, the University of Nebraska-Kearney men's and women's indoor track and field teams posted four All-American performances at the Division II National Indoor Track and Field Championships in Boston, Massachusetts, on March 14-15, 2003; and

WHEREAS, the University of Nebraska-Kearney Wrestling team achieved a 2nd place finish at the Division II National Wrestling Tournament in Wheeling, West Virginia, on March 14-15, 2003, with six All-Americans and one National Champion; and

WHEREAS, the University of Nebraska-Kearney women's basketball team qualified for the Division II NCAA Basketball Tournament; and

WHEREAS, the University of Nebraska-Kearney men's basketball team became the first Nebraska team in history to qualify for "Elite Eight" status in the Division II NCAA Basketball Tournament; and

WHEREAS, the University of Nebraska-Kearney athletic teams maintain a cumulative grade point average of 3.04, with special recognition to the women's basketball team which maintains a grade point average of 3.66, the men's basketball team which maintains a grade point average 3.23, and the women's track and field team which maintains a grade point average of 3.36.

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

1. That the Legislature congratulates the University of Nebraska-Kearney athletic teams on their achievements in athletic competition and in the classroom this season.

2. That a copy of this resolution be sent to the University of Nebraska-Kearney Athletic Department.

Laid over.

WITHDRAW - Amendment to LB 175

Senator Redfield withdrew her pending amendment, AM0766, printed separately and referred to on page 834, to LB 175.

MOTION - Return LB 175 to Select File

Senator Redfield moved to return LB 175 to Select File for her specific pending amendment, AM0925, found on page 1028.

The Redfield motion to return prevailed with 32 ayes, 0 nays, 2 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 175. The Redfield specific pending amendment, AM0925, found on page 1028, was adopted with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 175

Senator Chambers withdrew his pending amendment, FA1190, found on page 751, to LB 175.

WITHDRAW - Amendments to LB 186

Senator Beutler withdrew his pending amendments, AM0349 and AM0348, found on page 599, to LB 186.

MOTION - Return 186 to Select File

Senator Beutler moved to return 186 to Select File for the following specific amendment:

AM0824

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 39-2603, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 39-2603. (1) Except as provided in subsection (2) of
- 6 this section, no person shall locate or maintain a junkyard, any
- 7 portion of which is within one thousand feet of the nearest edge of
- 8 the right-of-way of any roadway of the Highway Beautification
- 9 Control System, without obtaining a permit from the department.
- 10 (2) Junkyards located in counties which have formally
- 11 adopted a comprehensive development plan and a zoning resolution
- 12 regulating the location of junkyards within one thousand feet of
- 13 the nearest edge of the right-of-way of any roadway of the Highway
- 14 Beautification Control System, except those routes which consist of
- 15 the federally designated National System of Interstate and Defense
- 16 Highways, shall be exempt from the permit requirements of sections
- 17 39-2601 to 39-2612.
- 18 Sec. 2. Original section 39-2603, Reissue Revised
- 19 Statutes of Nebraska, is repealed."
- 20 2. On page 1, strike beginning with "sections" in line 1
- 21 through line 6 and insert "section 39-2603, Reissue Revised
- 22 Statutes of Nebraska; to change provisions relating to junkyards
- 23 along roadways; to harmonize provisions; and to repeal the original
- 1 section."

The Beutler motion to return prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 186. The Beutler specific amendment, AM0824, found in this day's Journal, was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Return LB 216 to Select File

Senator Beutler moved to return LB 216 to Select File for his specific pending amendment, AM0820, found on page 906.

SENATOR DW. PEDERSEN PRESIDING

Senator Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 11:

Beutler	Cunningham	Janssen	Stuhr
Chambers	Hartnett	Price	Thompson
Connealy	Hudkins	Schimek	

Voting in the negative, 22:

Aguilar	Erdman	Jones	Mossey	Tyson
Baker	Foley	Kremer	Pedersen, Dw.	Wehrbein
Bourne	Friend	Landis	Quandahl	
Burling	Jensen	McDonald	Redfield	
Combs	Johnson	Mines	Smith	

Present and not voting, 6:

Brashear	Brown	Maxwell
Bromm	Kruse	Raikes

Excused and not voting, 10:

Byars	Engel	Pederson, D.	Schrock	Synowiecki
Cudaback	Louden	Preister	Stuthman	Vrtiska

The Beutler motion to return failed with 11 ayes, 22 nays, 6 present and not voting, and 10 excused and not voting.

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 216 with 36 ayes, 2 nays, 1 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to insurance; to amend sections 44-113, 44-114, 44-407.14, 44-501, 44-1994, 44-5101, 44-5110, and 44-5138, Reissue Revised Statutes of Nebraska, and sections 44-322, 44-924, 44-1103, 44-1106, 44-19,116, 44-2707, 44-5120, 44-5814, 44-7501, 44-7507, 44-7513, and 44-7515, Revised Statutes Supplement, 2002; to change provisions relating to reports, fees, financial statements, interest, policy forms, rules and regulations, form filing and approval requirements, collateral, and investments; to eliminate an applicability provision; to repeal the original sections; and to outright repeal section 44-2823, 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, 33:

Aguilar	Combs	Hudkins	Maxwell	Redfield
Baker	Connealy	Jensen	McDonald	Smith
Bourne	Cunningham	Johnson	Mines	Stuhr
Brashear	Erdman	Jones	Mossey	Tyson
Bromm	Foley	Kremer	Pedersen, Dw.	Wehrbein
Brown	Friend	Kruse	Quandahl	
Burling	Hartnett	Landis	Raikes	

Voting in the negative, 5:

Beutler	Chambers	Price	Schimek	Thompson

Present and not voting, 1:

Janssen

Excused and not voting, 10:

Byars	Engel	Pederson, D.	Schrock	Synowiecki
Cudaback	Louden	Preister	Stuthman	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 250 to Select File

Senator Kremer moved to return LB 250 to Select File for his specific pending amendment, AM0736, found on page 848.

The Kremer motion to return prevailed with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 250. The Kremer specific pending amendment, AM0736, found on page 848, was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 259 to Select File

Senator Baker moved to return LB 259 to Select File for the Engel specific pending amendment, AM0815, found on page 906.

The Baker motion to return prevailed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

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

SELECT FILE

LEGISLATIVE BILL 259. The Engel specific pending amendment, AM0815, found on page 906, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 292

Senator Chambers withdrew his pending amendment, FA1184, found on page 670, to LB 292.

MOTION - Return LB 292 to Select File

Senator Hudkins moved to return LB 292 to Select File for the Stuthman specific pending amendment, AM1019, found on page 1037.

The Hudkins motion to return prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 292. The Stuthman specific pending amendment, AM1019, found on page 1037, was adopted with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

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

MOTION - Return LB 292 to Select File

Senator Landis moved to return LB 292 to Select File for the following specific amendment:

AM1071

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 77-112, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 77-112. Actual value of real property for purposes of
- 5 taxation means the market value of real property in the ordinary
- 6 course of trade. Actual value may be determined using
- 7 professionally accepted mass appraisal methods, including, but not
- 8 limited to, the (1) sales comparison approach, (2) income approach,
- 9 and (3) cost approach. Actual value is the most probable price
- 10 expressed in terms of money that a property will bring if exposed
- 11 for sale in the open market, or in an arm's length transaction,
- 12 between a willing buyer and willing seller, both of whom are
- 13 knowledgeable concerning all the uses to which the real property is
- 14 adapted and for which the real property is capable of being used.
- 15 In analyzing the uses and restrictions applicable to real property,
- 16 the analysis shall include a consideration of the full description
- 17 of the physical characteristics of the real property and an
- 18 identification of the property rights being valued."
- 19 2. On page 1, line 3, after the second comma insert
- 20 "77-112,".
- 21 3. On page 3, line 24, strike "7" and insert "8".
- 22 4. On page 10, line 6, after the third comma insert
- 23 "77-112,".
- 1 5. Renumber the remaining sections accordingly.

The Landis motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 292. The Landis specific amendment, AM1071, found in this day's Journal, was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 292 to Select File

Senator Wehrbein moved to return LB 292 to Select File for the following specific amendment:

AM1072

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 12. Section 77-5004, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 77-5004. (1) Each commissioner shall be a qualified
- 5 voter and resident of the state and, for each commissioner
- 6 representing a congressional district, a resident of the district
- 7 he or she represents.
- 8 (2) Each commissioner shall devote his or her full time
- 9 and efforts to the discharge of his or her duties and shall not
- 10 hold any other office under the laws of this state, any city or
- 11 county in this state, or the United States Government while serving
- 12 on the commission. Each commissioner shall possess:
- 13 (a) Appropriate knowledge of terms commonly used in or
- 14 related to real property appraisal and of the writing of appraisal
- 15 reports;
- 16 (b) Adequate knowledge of depreciation theories, cost
- 17 estimating, methods of capitalization, and real property appraisal
- 18 mathematics;
- 19 (c) An understanding of the principles of land economics,
- 20 appraisal processes, and problems encountered in the gathering,
- 21 interpreting, and evaluating of data involved in the valuation of
- 22 real property, including complex industrial properties and mass
- 23 appraisal techniques;
- 1 (d) Knowledge of the law relating to taxation, civil and
- 2 administrative procedure, due process, and evidence in Nebraska;
- 3 (e) At least thirty hours of successfully completed class
- 4 hours in courses of study, approved by the Real Estate Appraiser
- 5 Board, which relate to appraisal and which include a fifteen-hour
- 6 course in the Uniform Standards of Professional Appraisal Practice.
- 7 If a commissioner has not received such training prior to his or
- 8 her appointment, such training shall be completed within one year
- 9 after appointment; and
- 10 (f) Such other qualifications and skills as reasonably
- 11 may be requisite for the effective and reliable performance of the

12 commission's duties.

13 (3) One commissioner shall possess any certification or
14 training required to become a licensed real estate appraiser as set
15 forth in section 76-2230.

16 (4) Prior to January 1, 2002, the chairperson, and on and
17 after January 1, 2002, at least two commissioners, shall have been
18 engaged in the practice of law in the State of Nebraska for at
19 least five years, which may include prior service as a judge, and
20 shall be currently admitted to practice before the Nebraska Supreme
21 Court.

22 (5) No commissioner or employee of the commission shall
23 hold any position of profit or engage in any occupation or business
24 interfering with or inconsistent with his or her duties as a
25 commissioner or employee. A person is not eligible for appointment
26 and may not hold the office of commissioner or be appointed by the
27 commission to or hold any office or position under the commission
1 if he or she holds any official office or position.

2 (6)(a) Each commissioner who meets the requirements of
3 subsection (4) of this section on or after January 1, 2002, shall
4 annually attend a seminar or class of at least two days' duration
5 that is:

6 (i) Sponsored by a recognized assessment or appraisal
7 organization, in each of these areas: Utility and railroad
8 appraisal; appraisal of complex industrial properties; appraisal of
9 other hard to assess properties; and mass appraisal, residential or
10 agricultural appraisal, or assessment administration; or

11 (ii) Pertaining to management, law, civil or
12 administrative procedure, or other knowledge or skill necessary for
13 performing the duties of the office.

14 (b) Each commissioner who does not meet the requirements
15 of subsection (4) of this section on or after January 1, 2002,
16 shall within two years after his or her appointment attend at least
17 thirty hours of instruction that constitutes training for judges or
18 administrative law judges.

19 (7) The commissioners shall be considered employees of
20 the state for purposes of sections 81-1301 to 81-1391 and 84-1601
21 to 84-1615.

22 (8) The commissioners shall be reimbursed as prescribed
23 in sections 81-1174 to 81-1177 for their actual and necessary
24 expenses in the performance of their official duties pursuant to
25 the Tax Equalization and Review Commission Act. ~~Mileage expenses~~
26 ~~incurred while traveling in the line of duty to and from a~~
27 ~~commissioner's primary residence to the commission office as well~~
1 ~~as living expenses for any commissioner whose residence is located~~
2 ~~more than eighty miles from the commission office shall be~~
3 ~~reimbursed by the state if:~~

4 (a) The commission has adopted and promulgated rules and
5 regulations establishing guidelines for allowable reimbursement of
6 mileage and living expenses, except that the reimbursement rate for

7 mileage shall not exceed the rate established by the Department of
8 Administrative Services pursuant to section 81-1176;

9 (b) ~~The commissioner complies with the request procedures~~
10 ~~for reimbursement set forth in such guidelines; and~~

11 (c) ~~The total amounts authorized for reimbursement of~~
12 ~~such mileage and living expenses in any fiscal year shall not cause~~
13 ~~the total expenses to exceed the total funds appropriated to the~~
14 ~~program established for commissioners' expenses.~~

15 Sec. 14. Section 81-1174, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-1174. Whenever any state officer, employee, or member
18 of any commission, council, committee, or board of the state is
19 entitled to be reimbursed for actual expenses incurred by him or
20 her in the line of duty, he or she shall be required to present a
21 request for payment or reimbursement each month to the Director of
22 Administrative Services. Each request shall be fully itemized,
23 including when, where, and why the expense was incurred and the
24 actual amount involved. When reimbursement is requested for
25 mileage by automobile, air travel by commercial carrier, air travel
26 in airplanes chartered by the department or agency, or air travel
27 by personally rented airplane, the points between which such travel
1 occurred, the times of arrival and departure, and the necessity and
2 purpose of such travel shall be shown on such request. When
3 reimbursement is requested for mileage by automobile, the license
4 number, the owner of the automobile used, and the rate per mile
5 being requested shall also be shown on each request. The
6 Accounting Administrator may require less supporting detail for
7 requests covered in this section but shall not impose reporting
8 requirements which exceed those listed unless specifically
9 authorized by other provisions of law. No request shall be
10 submitted by an individual for an expense when such expense has
11 been paid by the agency or department concerned. When
12 reimbursement for expenses incurred in air travel by privately
13 owned airplane is requested, the cost of operating the airplane at
14 rates per mile as established by the Department of Administrative
15 Services shall be shown on such request. Travel by privately owned
16 airplane or personally rented airplane shall only be authorized
17 when it is more economical than surface transportation or will
18 result in a substantial savings of expense or productive time. The
19 statement of expenses shall be duly verified and supported by
20 receipts for all of such expenditures, except meals and immaterial
21 items identified by the director, for which reimbursement is
22 requested. No charge for mileage shall be allowed when such
23 mileage accrues while using an automobile owned by the State of
24 Nebraska. No personal maintenance expenses shall be allowed to any
25 state officer, employee, or member of any commission, council,
26 committee, or board of the state when such expenses are incurred in
27 the city or town in which the residence or primary work location of
1 such individual is located, except that individuals required to

2 attend official functions, conferences, or hearings within such
3 location, not to include normal day-to-day operations of the
4 department, agency, commission, council, committee, or board, may
5 be paid or reimbursed in accordance with policies established by
6 the Director of Administrative Services, ~~and except as provided~~
7 ~~for commissioners of the Tax Equalization and Review Commission~~
8 ~~pursuant to section 77-5004.~~ The approval to attend a function,
9 conference, or hearing shall be obtained from the director of the
10 department, agency, commission, council, committee, or board prior
11 to an individual's attendance at such function, conference, or
12 hearing. Nothing in this section shall be construed to prohibit
13 the furnishing of coffee, tea, and any similar beverage by the
14 Legislature or the Legislative Council to its employees or guests.
15 Sec. 15. Sections 12, 14 to 16, and 18 of this act
16 become operative on July 1, 2003. The other sections of this act
17 become operative three calendar months after adjournment of this
18 legislative session.

19 Sec. 16. Original section 81-1174, Reissue Revised
20 Statutes of Nebraska, and section 77-5004, Revised Statutes
21 Supplement, 2002, are repealed.

22 Sec. 18. Since an emergency exists, this act takes
23 effect when passed and approved according to law."

24 2. On page 1, lines 1 and 2, strike "section 18-1743"
25 and insert "sections 18-1743 and 81-1174"; in line 4 before "and"
26 insert "77-5004,"; in line 7 after the semicolon insert "to change
27 provisions relating to the Tax Equalization and Review
1 Commission,"; in line 8 strike "and" and insert "to provide
2 operative dates,"; and in line 9 before the period insert "; and to
3 declare an emergency".

4 3. Renumber the remaining sections accordingly.

The Wehrbein motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 292. The Wehrbein specific amendment, AM1072, found in this day's Journal, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 333 to Select File

Senator Quandahl moved to return LB 333 to Select File for his specific pending amendment, AM0481, found on page 622.

The Quandahl motion to return prevailed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 333. The Quandahl specific pending amendment, AM0481, found on page 622, was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

SENATOR LANDIS PRESIDING

MOTION - Return LB 357 to Select File

Senator Schimek moved to return LB 357 to Select File for her specific pending amendment, AM0747, found on page 851.

The Schimek motion to return prevailed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 357. The Schimek specific pending amendment, AM0747, found on page 851, was adopted with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 357 to Select File

Senator Smith moved to return LB 357 to Select File for his specific pending amendment, AM0878, found on page 960.

The Smith motion to return prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 357. The Smith specific pending amendment, AM0878, found on page 960, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 385 to Select File

Senator Beutler moved to return LB 385 to Select File for his specific pending amendment, FA1199, found on page 907.

Senator Beutler withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 385.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend sections 13-2705 to 13-2708, Revised Statutes Supplement, 2002; to change provisions relating to grant application and approval; 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	Combs	Hudkins	Mossey	Smith
Baker	Connealy	Janssen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Price	Thompson
Bourne	Erdman	Kremer	Quandahl	Tyson
Brashear	Foley	Landis	Raikes	Wehrbein
Bromm	Friend	Maxwell	Redfield	
Brown	Hartnett	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 6:

Burling	Jensen	Kruse
Chambers	Jones	Mines

Excused and not voting, 10:

Byars	Engel	Pederson, D.	Schrock	Synowiecki
Cunningham	Louden	Preister	Stuthman	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 451 to Select File

Senator Stuhr moved to return LB 451 to Select File for her specific pending amendment, AM0890, found on page 970.

The Stuhr motion to return prevailed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 451. The Stuhr specific pending amendment, AM0890, found on page 970, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 524 to Select File

Senator Bromm moved to return LB 524 to Select File for his specific pending amendment, AM0836, found on page 1049.

The Bromm motion to return prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 524. The Bromm specific pending amendment, AM0836, found on page 1049, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 112. Title read. Considered.

The Standing Committee amendment, AM0524, found on page 728, 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 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

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

LEGISLATIVE BILL 267. Title read. Considered.

The Standing Committee amendment, AM0134, found on page 633, was considered.

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

AM1070

(Amendments to Standing Committee amendments, AM0134)

- 1 1. On page 3, strike lines 1 through 3 and insert
- 2 "established pursuant to section 71-3204;".

The Brashear amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 439. Title read. Considered.

The Standing Committee amendment, AM0708, found on page 754, was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BROMM PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 216 and 385.

GENERAL FILE**LEGISLATIVE BILL 439.** Considered.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Hudkins 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 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator Kruse asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 500. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 363:
AM1044

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 4 of this act shall be known
- 4 and may be cited as the Prairie Protection Act.
- 5 Sec. 2. For purposes of the Prairie Protection Act:
- 6 (1) Destructive rodent pests means one or more rodents,
- 7 including but not limited to prairie dogs and pocket gophers, that
- 8 pose a threat to agricultural, horticultural, or livestock concerns
- 9 or to human health; and
- 10 (2) Person means a natural person, public authority,
- 11 private corporation, association, firm, partnership, limited
- 12 liability company, or business trust of any nature whatsoever
- 13 organized and existing under the laws of this state or of the
- 14 United States or any other state thereof.
- 15 Sec. 3. (1) The county board may purchase materials and
- 16 equipment and employ one or more suitable persons to manage
- 17 destructive rodent pests within the county. Any materials and
- 18 equipment so purchased and compensation for such services may be
- 19 paid out of the county general fund or a specially designated fund
- 20 of such county.
- 21 (2) The county board may put into operation a plan for
- 22 the management of destructive rodent pests within the county. The

23 plan shall be in accordance with the approved procedure of the
24 Animal and Plant Health Inspection Service of the United States
1 Department of Agriculture. The county board may solicit
2 cooperation from the federal agency for the management of
3 destructive rodent pests and may enter into cooperative agreements
4 with federal agencies for such management.
5 Sec. 4. (1) No person shall release destructive rodent
6 pests into a county unless such person has complied with all
7 requirements for such release imposed by the Game and Parks
8 Commission and obtained both the prior approval of the commission
9 and the prior approval, by resolution duly adopted, of the county
10 board of such county. A person need not obtain such prior approval
11 before:
12 (a) Transporting destructive rodent pests through a
13 county without releasing such destructive rodent pests;
14 (b) Confining destructive rodent pests indoors or in
15 cages or similar enclosures and using such destructive rodent pests
16 for scientific purposes or as food for human or animal consumption;
17 (c) Keeping destructive rodents pests indoors or in cages
18 or similar enclosures as pets; or
19 (d) Releasing destructive rodent pests at the location
20 where such destructive rodent pests were originally taken into
21 captivity.
22 (2) The county may levy an occupation tax on any person
23 receiving permission to release destructive rodent pests.
24 (3) The county board of any county into which a person
25 releases destructive rodent pests without the prior approval of
26 such board may:
27 (a) Require the person who released the destructive
1 rodent pests to manage the destructive rodent pests or remove the
2 destructive rodent pests from the county; or
3 (b) Impose a fine upon the person who released the
4 destructive rodent pests in an amount sufficient to compensate the
5 county for the cost of managing the destructive rodent pests or
6 removing the destructive rodent pests from the county."

Senator Preister filed the following amendment to LB 626:
AM1078

(Amendments to Standing Committee amendments, AM0918)

1 1. On page 1, line 20, after "(2)" insert "Emergency
2 means necessary to meet an urgent or unexpected requirement to
3 protect the health, welfare, or safety of people or property or to
4 meet an externally imposed deadline beyond the agency's control;
5 (3)"; and in line 23 strike "(3)" and insert "(4)".
6 2. On page 2, line 1, strike "(4)" and insert "(5)"; and
7 in line 7 strike "(5)" and insert "(6)".
8 3. On page 3, line 14, strike "For" and insert "(1)
9 Except in an emergency, for"; in line 21 strike "(1)" and insert
10 "(a)"; in line 22 strike "(2)" and insert "(b)"; and in line 26

11 strike "(3)" and insert "(c)".

12 4. On page 4, line 3, strike "(4)" and insert "(d)"; and
 13 in line 6 after the period insert "Any confidential information
 14 provided by an agency director in the contract application may be
 15 included as an attachment to the application. The materiel
 16 division shall maintain the confidentiality of any information
 17 provided in the application.

18 (2) If an emergency exists, an agency director may
 19 initiate the bidding and contract-award process without submitting
 20 an application and receiving approval as required in this section
 21 and section 8 of this act. In such case, the agency director shall
 22 present in writing to the materiel division within five business
 23 days after initiating the bidding and contract-award process the
 1 justification for the emergency and the information required in
 2 this section."

Senator Preister filed the following amendment to LB 626:
 AM1077

(Amendments to Standing Committee amendments, AM0918)

- 1 1. On page 2, line 8, after "Nebraska" insert ", the
 2 Legislature, and the courts"; in line 19 after "in" insert "bidding
 3 and".
- 4 2. On page 3, line 16, after "the" insert "bidding and";
 5 and in line 25 strike "subdivision" and insert "section".
- 6 3. On page 6, strike beginning with "estimated" in line
 7 16 through "period" in line 17.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 2003, at 12:40 p.m. were the following: LBs 216 and 385.

(Signed) Diana Bridges
 Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducers

Senator Mines asked unanimous consent to have his name added as cointroducer to LB 760. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 790. No objections. So ordered.

VISITORS

Visitors to the Chamber were Chris Miller and Tom Noecker from Hartington; 30 third- through sixth-grade students and teacher from Lutheran Home School, Lincoln; 8 fourth-grade students and teacher from Cheney Public School, Lincoln; 37 fourth-grade students and teachers from

Lincoln Elementary School, Beatrice; Gordon Krogh from South Sioux City; 25 third- and fourth-grade students and teachers from Wausa; Allison Thomas from Lincoln; and 46 fourth-grade students and teachers from Lexington.

ADJOURNMENT

At 1:06 p.m., on a motion by Senator Burling, the Legislature adjourned until 9:00 a.m., Monday, March 31, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 31, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 31, 2003

PRAYER

The prayer was offered by Senator Kruse.

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 Byars who was excused; and Senators Bromm, Brown, Hartnett, Kremer, McDonald, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

MOTION - Approve Appointment

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment found on page 1083: Nebraska Investment Council - Richard DeFusco.

Voting in the affirmative, 30:

Aguilar	Engel	Johnson	Mines	Redfield
Baker	Erdman	Jones	Mossey	Schrock
Burling	Foley	Kruse	Pedersen, Dw.	Smith
Connealy	Friend	Landis	Pederson, D.	Stuhr
Cudaback	Hudkins	Louden	Preister	Stuthman
Cunningham	Jensen	Maxwell	Quandahl	Synowiecki

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Chambers	Raikes	Tyson
Bourne	Combs	Schimek	Vrtiska
Brashear	Janssen	Thompson	Wehrbein

Excused and not voting, 7:

Bromm	Byars	Kremer	Price
Brown	Hartnett	McDonald	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

WITHDRAW - Motion to LB 626

Senator Landis withdrew his pending motion, found on page 1078, to indefinitely postpone pursuant to Rule 6, Section 3(f), to LB 626.

GENERAL FILE

LEGISLATIVE BILL 626. Title read. Considered.

The Standing Committee amendment, AM0918, printed separately and referred to on page 1013, was considered.

Senator Preister renewed his pending amendment, AM1078, found on page 1106, to the Standing Committee amendment.

Senator Preister withdrew his amendment.

Senator Preister withdrew his pending amendment, AM1077, found on page 1107.

The Standing Committee amendment lost with 1 aye, 35 nays, 9 present and not voting, and 4 excused and not voting.

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

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 265. Title read. Considered.

The Standing Committee amendment, AM0768, printed separately and referred to on page 1022, was considered.

Senator Chambers 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:

FA1212

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 18 of this act shall be known
- 4 and may be cited as the Concealed Handgun Permit Act.
- 5 Sec. 2. An individual may obtain a permit to carry a
- 6 concealed handgun in accordance with the Concealed Handgun Permit
- 7 Act.
- 8 Sec. 3. For purposes of the Concealed Handgun Permit
- 9 Act, the following definitions are used:
- 10 (1) Concealed means the handgun is totally hidden from
- 11 view. If any part of the handgun is capable of being seen, it is
- 12 not concealed;
- 13 (2) Emergency services personnel means a volunteer or
- 14 paid firefighter or rescue squad member or a person certified to
- 15 provide emergency medical services pursuant to the Emergency
- 16 Medical Services Act;
- 17 (3) Handgun means any firearm with a barrel less than
- 18 sixteen inches in length or any firearm designed to be held and
- 19 fired by the use of a single hand;
- 20 (4) Peace officer means any town marshal, chief of police
- 21 or local police officer, sheriff or deputy sheriff, the
- 22 Superintendent of Law Enforcement and Public Safety or any officer
- 23 of the Nebraska State Patrol, any member of the National Guard on
- 24 active service by direction of the Governor during periods of
- 1 emergency or civil disorder, any Game and Parks Commission
- 2 conservation officer, any carrier enforcement officer, and all
- 3 other persons with similar authority to make arrests;
- 4 (5) Permitholder means an individual holding a current
- 5 and valid permit to carry a concealed handgun issued pursuant to
- 6 this act; and
- 7 (6) Proof of training means an original document or
- 8 certified copy of a document, supplied by an applicant, that
- 9 certifies that he or she either:
- 10 (a) Within the previous three years, has successfully
- 11 completed a handgun training and safety course approved by the
- 12 Nebraska State Patrol pursuant to section 5 of this act; or
- 13 (b) Is a member of the active or reserve military or a
- 14 member of the National Guard and has had handgun training within
- 15 the previous three years.
- 16 Sec. 17. The Nebraska State Patrol may adopt and
- 17 promulgate rules and regulations to carry out the provisions of the
- 18 Concealed Handgun Permit Act.

SPEAKER BROMM PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 61 and 62 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 61 and 62.

GENERAL FILE

LEGISLATIVE BILL 265. Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1223

Amend FA1212

P. 1 in lines 5, 6, 8 strike "Concealed Handgun Permit" and insert "Shoot Thy Neighbor and/or Thyself".

Pending.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 608:
AM1076

(Amendments to E & R amendments, AM7090)

- 1 1. On page 4, line 13, strike "or 77-4110" and insert "77-4110, or 77-4113".
- 2
- 3 2. On page 6, line 9, before the period insert "who
- 4 increases the employment of such business in this state by two new
- 5 equivalent Nebraska employees and who makes an increased investment
- 6 in this state of at least seventy-five thousand dollars during a
- 7 taxable year".
- 8 3. On page 9, line 20, after "determined" insert "on
- 9 October 1".
- 10 4. On page 11, line 27, strike "July" and insert
- 11 "October".
- 12 5. On page 21, line 27, strike "an".
- 13 6. On page 22, line 1, strike "employee" and insert
- 14 "employees".

VISITORS

Visitors to the Chamber were 41 fourth-grade students, teachers, and sponsors from Seward; 63 fourth-grade students, teachers, and sponsors from Trumble Park Elementary School, Papillion; and 50 fifth-grade

students and teachers from Clarmar Elementary School, Fremont.

RECESS

At 12:01 p.m., on a motion by Senator Mines, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Bromm presiding.

ROLL CALL

The roll was called and all members were present except Senator Byars who was excused; and Senators Bourne, Hartnett, Landis, and Preister who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 265. Senator Chambers renewed his pending amendment, FA1223, found in this day's Journal, to the first Standing Committee amendment.

Senator Jones 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 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment lost with 1 aye, 35 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 208. Placed on Select File as amended.
E & R amendment to LB 208:
AM7094

- 1 1. In the Standing Committee amendments, AM0571:
- 2 a. To harmonize with the adoption of the Kruse
- 3 amendment, AM1053:
- 4 i. Strike sections 5 and 6.
- 5 ii. On page 46, lines 4 and 5, strike the new matter;

- 6 iii. On page 62, line 2, strike "60-462, 60-479,"; and
 7 iv. Renumber the remaining sections and correct internal
 8 references accordingly;
 9 b. On page 34, line 7, strike "(4)", show as stricken,
 10 and insert "(3)"; and
 11 c. On page 54, line 2, strike "violation" and insert
 12 "violations".
 13 2. On page 1, strike beginning with "motor" in line 1
 14 through line 9 and insert "driving under the influence; to amend
 15 sections 29-2221, 60-4,110, 60-6,210, 60-6,211.04, and 83-1,129,
 16 Reissue Revised Statutes of Nebraska, and sections 28-106, 28-306,
 17 28-394, 60-484, 60-4,118.06, 60-4,144, 60-601, 60-6,196, 60-6,197,
 18 60-6,197.01, 60-6,198, 60-6,205, 60-6,209, and 60-6,211.05, Revised
 19 Statutes Supplement, 2002; to change penalty provisions for Class W
 20 misdemeanors, motor vehicle homicide, death of an unborn child;
 21 and habitual offenders; to change and eliminate provisions relating
 22 to revoking or suspending an operator's license; to provide for the
 23 seizure, forfeiture, and sale of a motor vehicle as prescribed; to
 24 provide a duty for prosecutors as prescribed; to create the offense
 1 of aggravated driving under the influence; to provide, change, and
 2 eliminate penalties relating to driving under the influence and
 3 implied consent; to harmonize provisions; and to repeal the
 4 original sections."

LEGISLATIVE BILL 790. Placed on Select File as amended.

E & R amendment to LB 790:

AM7093

- 1 1. On page 1, strike lines 2 through 15 and insert
 2 "75-110.01, 75-112, 75-118, 75-129, 75-131, and 75-132, Reissue
 3 Revised Statutes of Nebraska, and sections 57-705, 59-1617, 75-101,
 4 75-109, 75-109.01, 75-122.01, 75-128, 75-130.01, 75-139.01, and
 5 84-612, Revised Statutes Supplement, 2002; to adopt the State
 6 Natural Gas Regulation Act; to repeal the Municipal Natural Gas
 7 Regulation Act; to create and eliminate funds; to provide powers
 8 and duties; to harmonize provisions; to provide an operative date;
 9 to provide severability; to repeal the original sections; and to
 10 outright repeal sections 19-4601 to 19-4616 and 19-4618 to 19-4623,
 11 Reissue Revised Statutes of Nebraska, and section 19-4617, Revised
 12 Statutes Supplement, 2002."
 13 2. On page 67, line 1, strike "75-132, and 77-2704.13"
 14 and insert "and 75-132"; and in lines 3 and 4 strike "77-2701,
 15 77-2702.07,".

LEGISLATIVE BILL 112. Placed on Select File as amended.

E & R amendment to LB 112:

AM7095

- 1 1. On page 1, line 3, strike "communications" and insert
 2 "telecommunications".

LEGISLATIVE BILL 267. Placed on Select File.

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 175, 186, 250, and 259.

ER9040

Enrollment and Review Change to LB 250
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 21, line 23, "(6)" has been struck and "(5)" inserted.

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 46A. 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 46, Ninety-eighth Legislature, First Session, 2003; to reduce appropriations; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 265. Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1224

Amend FA1212

P. 2, line 2, strike "any carrier enforcement officer".

Senators Beutler, Connealy, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Erdman 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 Tyson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Chambers amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1225

Amend FA1212

P. 13 in line 14, strike "may" and insert "shall"

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

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 667A. 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 667, Ninety-eighth Legislature, First Session, 2003.

UNANIMOUS CONSENT - Add Cointroducers

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 724. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 524. No objections. So ordered.

Senator Combs asked unanimous consent to have her name added as cointroducer to LR 39. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Jackson Academy, Omaha.

ADJOURNMENT

At 4:03 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 1, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 1, 2003

PRAYER

The prayer was offered by Pastor Ryan Lewis, St. Bernards 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.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 265. The Chambers pending amendment, FA1225, found on page 1116, to the first Standing Committee amendment, FA1212, found on page 1111, was renewed.

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

SPEAKER BROMM PRESIDING**SENATOR HARTNETT PRESIDING**

Pending.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 292, 333, 357, 451, and 524.

ER9036

Enrollment and Review Change to LB 292
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Wehrbein amendment, AM1072:

a. Sections 12, 14, 15, 16, and 18 have been renumbered as sections 15, 17, 18, 19, and 21, respectively; and

b. On page 6, line 15, "12, 14 to 16, and 18" has been struck and "15, 17 to 19, and 21" inserted; and in line 25 ", 77-1707," has been inserted after "18-1743".

2. In the Stuthman amendment, AM1019:

a. Sections 12 and 13 have been renumbered as sections 13 and 14, respectively; and

b. On page 2, the matter beginning with "lines" in line 8 through "in" in line 9 has been struck; in line 9 "before 'and'" has been struck and ", after the fourth comma" inserted; and in line 10 "7" has been struck and "6" inserted.

3. On page 1, line 5, "to change provisions relating to building permits and motor vehicle taxes; to define and redefine terms;" has been inserted after the semicolon; and in lines 6 and 7 "to define and redefine terms;" has been struck.

ER9037

Enrollment and Review Change to LB 357
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Smith amendment, AM0878:

a. On page 8, lines 13 and 15, the matter beginning with the first "page" through "and" has been struck; and

b. Amendment 4 has been struck.

2. In the Schimek amendment, AM0747, on page 2, line 13, "32-221," has been inserted after "sections"; in line 15 "32-301" has been struck and "32-223, 32-230, 32-231, 32-301," inserted and "to change provisions for appointment of election board workers;" has been inserted after the semicolon; and in line 23 the first comma has been struck.

ER9038

Enrollment and Review Change to LB 451
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 8, "and 84-1323" has been struck and "84-1323, and 84-1503" inserted; and in line 14 "to change provisions relating to the Public Employees Retirement Board;" has been inserted after the first semicolon.

ER9039

Enrollment and Review Change to LB 524
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bromm amendment, AM0836, on page 3, line 22, a semicolon has been inserted after "State".

2. On page 27, line 13, "This act becomes" has been struck and "Sections 20 to 22 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become" inserted.

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 358:
AM1084

(Amendments to Final Reading copy)

1. Insert the following new section:
2. "Sec. 44. (1) The Legislature finds that the number of
- 3 people voting in recent years has steadily decreased and that
- 4 voting is a core principle of democracy. Therefor it is the intent
- 5 of the Legislature to establish the Vote Nebraska Initiative to
- 6 examine why citizens are not voting and what the state can do to
- 7 encourage voter turnout.
- 8 (2) The Vote Nebraska Initiative is created. The members
- 9 of the initiative shall examine why voter turnout continues to
- 10 decline, what voter education resources exist, what resources could
- 11 be established to engage the voter and encourage voter turnout
- 12 among minority and young voters, what roles the media and schools
- 13 play in voter education, and what the media and schools can do to
- 14 increase voter education.
- 15 (3) The Vote Nebraska Initiative shall consist of the
- 16 following members:
- 17 (a) The Secretary of State;
- 18 (b) The Chairperson of the Government, Military and
- 19 Veterans Affairs Committee of the Legislature;

- 20 (c) Two individuals employed by the media, one appointed
 21 by the Nebraska Broadcasters Association, and one appointed by the
 22 Nebraska Press Association;
 23 (d) Two members of minority communities appointed by the
 1 Secretary of State;
 2 (e) Up to three residents of Nebraska appointed by the
 3 Secretary of State;
 4 (f) Three teachers employed by public schools who have a
 5 background in teaching social studies appointed by the Commissioner
 6 of Education, one employed by an elementary school, one employed by
 7 a middle school, and one employed by a high school;
 8 (g) One representative of postsecondary education with a
 9 background in political science appointed by the Secretary of
 10 State;
 11 (h) A member of the League of Women Voters appointed by
 12 the league;
 13 (i) Three election commissioners or county clerks
 14 appointed by the Secretary of State;
 15 (j) One member of the Democratic Party appointed by the
 16 state chairperson of the Democratic Party; and
 17 (k) One member of the Republican Party appointed by the
 18 state chairperson of the Republican Party.
 19 (4) The members of the Vote Nebraska Initiative shall
 20 meet within sixty days after the effective date of this act and
 21 elect a chairperson from among the members. For administrative and
 22 budgetary purposes, the initiative shall be located in the office
 23 of the Secretary of State. Members shall be reimbursed for their
 24 actual and necessary expenses as provided in sections 81-1174 to
 25 81-1177.
 26 (5) The Vote Nebraska Initiative report with
 27 recommendations to the Legislature shall be issued by December 31,
 1 2004. This section terminates upon issuance of the report."
 2 2. On page 1, line 14, after the semicolon insert "to
 3 create the Vote Nebraska Initiative; to provide powers and
 4 duties;"
 5 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 265. The Chambers pending amendment, FA1225, found on page 1116 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Chambers amendment lost with 13 ayes, 25 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1227

Amend FA1212

P. 1 in line 18 strike "sixteen" and insert "eight".

Pending.

VISITORS

Visitors to the Chamber were 40 fourth-grade students, teachers, and sponsors from Seward; Bujar Leskaj and Reinald Muca from the University of Tirana, Albania, and Dave Lang from Malcolm; 36 fourth-grade students and teachers from Yutan; and 21 fourth-grade students and teacher from Emmanuel Lutheran School, York.

RECESS

At 12:05 p.m., on a motion by Senator Janssen, 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 Beutler who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 265. The Chambers pending amendment, FA1227, found in this day's Journal, to the first Standing Committee amendment, was renewed.

SPEAKER BROMM PRESIDING

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

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 59 and 60 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 59 and 60.

GENERAL FILE

LEGISLATIVE BILL 265. The Chambers pending amendment, FA1227, found in this day's Journal, to the first Standing Committee amendment, was renewed.

Senator Tyson offered the following motion:
Invoke cloture pursuant to Rule 7, Section 10.

Senator Tyson moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Tyson requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Cunningham	Jensen	Pedersen, Dw.	Stuthman
Baker	Engel	Jones	Pederson, D.	Synowiecki
Brashear	Erdman	Kremer	Quandahl	Tyson
Burling	Foley	Louden	Redfield	Vrtiska
Byars	Friend	Maxwell	Schrock	Wehrbein
Combs	Hudkins	McDonald	Smith	
Cudaback	Janssen	Mossey	Stuhr	

Voting in the negative, 13:

Bromm	Connealy	Kruse	Price	Thompson
Brown	Hartnett	Landis	Raikes	
Chambers	Johnson	Mines	Schimek	

Present and not voting, 1:

Preister

Excused and not voting, 2:

Beutler Bourne

The Tyson motion to invoke cloture prevailed with 33 ayes, 13 nays, 1

present and not voting, and 2 excused and not voting.

The Chambers amendment, FA1227, lost with 11 ayes, 30 nays, 6 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the Standing Committee amendment, AM0768, printed separately and referred to on page 1022, as amended.

Voting in the affirmative, 42:

Aguilar	Cunningham	Jones	Pedersen, Dw.	Stuhr
Baker	Engel	Kremer	Pederson, D.	Stuthman
Brashear	Erdman	Kruse	Preister	Synowiecki
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hudkins	Maxwell	Redfield	Wehrbein
Byars	Janssen	McDonald	Schimek	
Combs	Jensen	Mines	Schrock	
Cudaback	Johnson	Mossey	Smith	

Voting in the negative, 3:

Chambers	Hartnett	Thompson

Present and not voting, 2:

Connealy	Price

Excused and not voting, 2:

Beutler	Bourne

The Standing Committee amendment, as amended, was adopted with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 31:

Aguilar	Engel	Jones	Pederson, D.	Tyson
Baker	Erdman	Kremer	Quandahl	Vrtiska
Brashear	Foley	Louden	Redfield	Wehrbein
Byars	Friend	Maxwell	Schrock	
Combs	Hudkins	McDonald	Smith	
Cudaback	Janssen	Mossey	Stuhr	
Cunningham	Jensen	Pedersen, Dw.	Synowiecki	

Voting in the negative, 14:

Bromm	Connealy	Kruse	Price	Stuthman
Brown	Hartnett	Landis	Raikes	Thompson
Chambers	Johnson	Mines	Schimek	

Present and not voting, 2:

Burling Preister

Excused and not voting, 2:

Beutler Bourne

Advanced to E & R for review with 31 ayes, 14 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 439. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File.

LEGISLATIVE BILL 626. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 265:

FA1228

Amend Committee amendment

P. 1 in line 20 strike "town marshal".

FA1229

Amend Committee amendment

P. 2 in line 2 after the first "officer" insert "when in uniform and on property under the jurisdiction of Game and Parks".

FA1230

Amend Committee amendment

P. 2 in lines 2-3 strike "and all other persons with similar authority to make arrests".

FA1231

Amend Committee amendment

P. 2 in line 3 after the semicolon add "provided, that all persons designated in this subsection shall be in uniform and specify his or her status or position of authority".

FA1232

Amend Committee amendment

P. 2 in line 15 after "years" insert "under the auspices of and in connection with the military or the National Guard".

FA1233

Amend Committee amendment

P. 13 strike lines 14-16.

FA1234

Amend Committee amendment

P. 1 in line 11 after "handgun" insert "including a bulge caused by the handgun".

FA1235

Amend Committee amendment

P. 1 in line 19 after "fired" insert "or used as a club or sap".

FA1236

Amend Committee amendment

P. 2 in line 23, strike "state" and insert "contain"; in line 24 after "name" insert "using no initials or abbreviations"; and in lines 25, 26, 27 after "statement" insert "by the applicant".

FA1237

Amend Committee amendment

P. 3 in line 2, put a period after "property"; strike "and the" and insert "The"; in line 3 after "signature" insert "must be affixed"; in lines 9 and 11 strike "shall" and insert "must".

FA1238

Amend Committee amendment

P. 3 in line 18 after "shall" insert "knowingly and intentionally"; after first "false" insert "or misleading"; after "or" insert "knowingly and intentionally"; and after second "false" insert "knowingly and intentionally".

FA1239

Amend Committee amendment

P. 2 in line 24 strike "address" and insert "street address and where applicable, apartment number but not a post office box number".

FA1240

Amend Committee amendment

P. 3, in lines 12 and 15, strike "powers of eyesight" and insert "visual acuity".

FA1241

Amend Committee amendment

P. 4 in line 3, strike "competency" and insert "proficiency"; lines 5, 8 after "federal" insert "and"; after "state" insert "laws"; after "local" insert "ordinance"; and strike "laws".

FA1242

Amend Committee amendment

P. 4, in line 13, strike "diffuse" and insert "defuse"; line 15 strike "would"; line 16 strike "accidental"; line 19 after "before" insert "commencing"; line 22 after "a" insert "certified"; line 25 strike "from" and insert "by"; line 26 strike "discernible" and insert "observable"; line 27 after "safely" insert "and proficiently".

FA1243

Amend Committee amendment

P. 13 in line 4 strike "listing" and insert "list"; line 11 strike "considered".

FA1244

Amend Committee amendment

P. 5 in line 6 after "resides" insert "only if all provisions of this act are complied with".

FA1245

Amend Committee amendment

P. 5 in line 6 after "county" insert "attorney"; line 11 strike "applied pursuant to" and insert "complied with all provisions of".

FA1246

Amend Committee amendment

P. 5 in lines 14-15 strike "in an intoxicated or drugged condition" and insert "intoxicated or under the influence of drugs".

FA1247

Amend Committee amendment

P. 5 in line 16 after "violence" insert "or antisocial behavior".

FA1248

Amend Committee amendment

P. 5 in line 17 strike "found" and insert "adjudged"; in line 20 after "incompetent" insert "by a competent legal authority"; line 25 strike "that" and insert "such".

FA1249

Amend Committee amendment

P. 6 in line 5 strike "citizen" and insert "legal resident".

FA1250

Amend Committee amendment

P. 7 in lines 2 and 3 strike "is subject to having" and insert "shall have"; line 7 strike "issuing" and insert "obtaining"; line 15 after "fee" insert "at the".

time a permit is issued".

FA1251

Amend Committee amendment

P. 7 in line 27 strike "issued" and insert "issues"; P. 8 in line 3 after "permit" insert "unless the sheriff failed to exercise due care in issuing a permit".

FA1252

Amend Committee amendment

P. 8 in line 11 strike "prosecute a case for the revocation of" and insert "file an action in district court to revoke"; in line 13 strike "In case" and insert "If"; strike "refuses" and insert "declines"; in line 14 strike "prosecute the case" and insert "file the action" and after "to" insert "file the action and"; in line 16 strike "case" where it appears and insert "action", put a period after the second "case" and strike "and the" and insert "A"; in line 20 strike "who has his or her permit" and insert "whose permit is".

FA1253

Amend Committee amendment

P. 9 in line 5 add "If a permitholder does not produce a Nebraska driver's license or Nebraska-issued identification card when asked to do so by a peace officer, the peace officer shall take possession of the handgun and provide a dated receipt which includes the make, model, caliber and serial number of the handgun and the location where the handgun shall be deposited by the peace officer. When the permitholder produces a Nebraska driver's license or Nebraska-issued identification card, the handgun shall be returned to the permitholder.

FA1254

Amend Committee amendment

P. 9 in line 14 strike "it" and insert "securing the handgun"; line 17 strike "submit to" and insert "comply with" and strike the second "to" and insert "comply with"; lines 24-25 strike "releasing the permitholder from the scene and breaking contact" and insert "allowing the permitholder to leave".

FA1255

Amend Committee amendment

Page 10 in line 7 after "a" insert "dated".

GENERAL FILE

LEGISLATIVE BILL 724. Title read. Considered.

The Standing Committee amendment, AM1031, found on page 1044, was considered.

SENATOR CUDABACK PRESIDING

Senator Brashear asked unanimous consent to be excused until he returns.

No objections. So ordered.

The Standing Committee amendment 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 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

The Standing Committee amendment, AM0926, found on page 1022, was considered.

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

AM1083

(Amendments to Standing Committee amendments, AM0926)

- 1 1. On page 2, lines 6 and 9, after "employer" insert "or
2 a person related to the employer within the third degree by blood
3 or marriage"; and in line 10 after the period insert "Relationship
4 by blood or marriage within the third degree has the same meaning
5 as in subdivision (8)(b) of this section.".

The Baker amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

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

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

AM1113

(Amendments to Standing Committee amendments, AM0926)

- 1 1. Strike section 2.
- 2 2. On page 1, line 14, after the semicolon insert "and";
3 and strike beginning with the semicolon in line 16 through line 24
4 and insert an underscored period.
- 5 3. On page 2, strike lines 1 through 27.
- 6 4. On page 3, line 1, strike "(6)" and insert "(3)"; and
7 in line 22 strike "(7)" and insert "(4)".
- 8 5. On page 4, line 2, strike "(6)" and insert "(3)"; and
9 strike the new matter in lines 3 through 19.
- 10 6. Correct the repealer accordingly.

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 210:

AM1114

(Amendments to Standing Committee amendments, AM0926)

- 1 1. Strike section 2.
- 2 2. On page 1, line 16, after the semicolon insert "and"
- 3 and strike beginning with the semicolon in line 19 through line 24
- 4 and insert an underscored period.
- 5 3. On page 2, strike lines 1 through 27.
- 6 4. On page 3, line 1, strike "(6)" and insert "(3)"; and
- 7 in line 22 strike "(7)" and insert "(4)".
- 8 5. On page 4, line 2, strike "(6)" and insert "(3)"; and
- 9 in line 3 strike "(8)" and insert "(5)".
- 10 6. Correct the repealer accordingly.

Senator Connealy filed the following amendment to LB 210:

AM1093

(Amendments to Standing Committee amendments, AM0926)

- 1 1. Insert the following new section:
- 2 "Sec. 3. (1) Every insurance company which is
- 3 transacting workers' compensation insurance business in this state,
- 4 on or before July 1, 2003, and on or before July 1 each subsequent
- 5 year, shall pay to the Director of Insurance an amount equal to
- 6 one-fourth of one percent of the gross amount of direct writing
- 7 premiums received by the company during the preceding calendar year
- 8 for workers' compensation insurance business transacted in this
- 9 state. Every risk management pool providing workers' compensation
- 10 group self-insurance coverage to any of its members, on or before
- 11 July 1, 2003, and on or before July 1 each subsequent year, shall
- 12 pay to the director an amount equal to one-fourth of one percent of
- 13 the prevailing premium rate which would be paid for a policy of
- 14 workers' compensation insurance to insure such risk. The
- 15 computation of the amount shall be made on forms furnished by the
- 16 Department of Insurance and shall be forwarded to the department,
- 17 together with a sworn statement by an appropriate fiscal officer of
- 18 the company attesting the accuracy of the computation. The
- 19 department shall furnish the forms to the companies and risk
- 20 management pools prior to the end of the year for which the amounts
- 21 are payable together with any information deemed necessary or
- 22 appropriate by the department.
- 23 (2) Upon receipt of the payment, the director shall audit
- 1 and examine the computations to determine that the proper amount
- 2 has been paid. After notice and hearing in accordance with the
- 3 Administrative Procedure Act, the director may rescind or refuse to
- 4 reissue the certificate of authority of any company which fails to
- 5 remit the amount due.
- 6 (3) The director shall remit the amounts paid to the
- 7 State Treasurer for credit to the Workplace Safety Consultation
- 8 Program Cash Fund, except that (a) when there is a dispute as to
- 9 the amount payable, the proceeds shall be credited to a suspense
- 10 account in the state treasury until disposition of the controversy

- 11 and (b) one percent of the amounts received shall be credited to
12 the department to cover the costs of administration.
13 (4) Every employer in the occupations described in
14 section 48-106 who qualifies as a self-insurer and is issued a
15 permit to self-insure shall remit to the State Treasurer for credit
16 to the Workplace Safety Consultation Program Cash Fund an annual
17 amount equal to one-fourth of one percent of the prevailing premium
18 rate which would be paid by such employer for a policy of workers'
19 compensation insurance but in no event less than one hundred
20 dollars.
21 (5) The amounts required to be paid by insurance
22 companies, risk management pools, and self-insurers under this
23 section shall be in addition to any other amounts, either in taxes,
24 assessments, or otherwise, required by any other law of this
25 state."
26 2. Renumber the remaining section accordingly.

Senators D. Pederson, Dw. Pedersen, Bromm, and Baker filed the following amendment to LR 11CA:
AM1119

(Amendments to E & R amendments, AM7079)

- 1 1. On page 2, line 25, after the first period insert the
2 following new subsection:
3 "(6) Nothing in the Constitution of Nebraska shall
4 prohibit the Legislature from authorizing and regulating games of
5 chance using player-activated electronic gaming devices (a) for
6 charitable or community betterment purposes in a county, city, or
7 village which approves such gaming devices at a regular or special
8 election or (b) by licensees within a licensed racetrack
9 enclosure."
10 2. On page 3, line 5, strike "and"; and in line 7 after
11 "facilities" insert ", and to permit the Legislature to authorize
12 and regulate games of chance using player-activated electronic
13 gaming devices in certain localities".

Senator Hartnett filed the following amendment to LB 667:
AM1118

(Amendments to E & R amendments, AM7091)

- 1 1. Insert the following new sections:
2 "Sec. 24. The Legislature recognizes that most citizens
3 of the state would benefit from consuming calcium-rich food and
4 beverage. It is the intent of the Legislature that governmental
5 units, as major consumers and examples for others, should encourage
6 the consumption of calcium-rich food and beverage by giving such
7 products a preferred purchasing status as provided in sections 24
8 to 27 of this act.
9 Sec. 25. For purposes of sections 24 to 27 of this act:
10 (1) Calcium-rich food and beverage means food or beverage
11 that is naturally high in calcium or food and beverage to which

12 calcium has been added in processing to improve its nutritional
13 value; and

14 (2) Governmental unit means each board, commission,
15 bureau, council, department, or division of state government, the
16 University of Nebraska, the state colleges, and any other
17 administrative, legislative, or judicial unit of state government,
18 each county, school district, city, village, public power district,
19 sanitary and improvement district, educational service unit,
20 community college area, natural resources district, airport
21 authority, fire protection district, hospital authority, joint
22 entity, joint public agency, instrumentality, or any other
23 district, authority, or political subdivision of the state.

1 Sec. 26. The purchasing agent for a governmental unit or
2 for a private business which contracts with a governmental unit to
3 purchase food or beverage that will be served in a building or room
4 owned or operated by a governmental unit shall purchase
5 calcium-rich food and beverage unless:

6 (1) The calcium-rich food or beverage is higher in price
7 than noncalcium-rich food or beverage of similar type and quality;
8 or

9 (2) The director of a state institution for which the
10 purchase is being made determines that calcium-rich food or
11 beverage would interfere with the proper treatment and care of a
12 resident of the institution, and if so, food or beverage which is
13 not calcium-rich shall be purchased for the use of such resident.

14 Sec. 27. Sections 24 to 27 of this act shall not apply
15 to a contract entered into before the effective date of this act if
16 purchasing calcium-rich food and beverage would change the terms of
17 the contract."

18 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 643. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 fourth-grade students and teachers from Tecumseh.

ADJOURNMENT

At 4:07 p.m., on a motion by Senator Schimek, the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 2, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 2, 2003

PRAYER

The prayer was offered by Pastor William Arnold, United Methodist 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 Senators Bourne, Brown, Landis, and Quandahl who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

GENERAL FILE

LEGISLATIVE BILL 46A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 439A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 667A. 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 210. Senator Beutler renewed his pending amendment, AM1113, found on page 1128, to the Standing Committee amendment, AM0926, found on page 1022 and considered on page 1128.

Senator Beutler withdrew his amendment.

Senator Beutler withdrew his pending amendment, AM1114, found on page 1128.

Senator Connealy renewed his pending amendment, AM1093, found on page 1129, to the Standing Committee amendment.

Senator Connealy withdrew his amendment.

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

FA1256

Amend AM0926

Strike lines 4 through 10 on page 2.

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

SENATOR SCHIMEK PRESIDING

Senators Brashear and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Beutler	Kruse	Schimek
Chambers	Price	Thompson

Voting in the negative, 31:

Aguilar	Engel	Kremer	Pederson, D.	Stuthman
Baker	Erdman	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Vrtiska
Burling	Hudkins	McDonald	Redfield	
Combs	Jensen	Mines	Schrock	
Cudaback	Johnson	Mossey	Smith	
Cunningham	Jones	Pedersen, Dw.	Stuhr	

Present and not voting, 9:

Bourne	Connealy	Hartnett	Maxwell	Synowiecki
Brown	Foley	Janssen	Preister	

Excused and not voting, 3:

Brashear Byars Wehrbein

The Beutler amendment lost with 6 ayes, 31 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 2, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 72, 72A, 291e, 319e, 331, 365, 371, 381, 381A, 394e, 418, 429e, 443, 537, 561e, 562, 562A, and 563 were received in my office on March 27, 2003. In addition, engrossed Legislative Bills 216 and 385 were received in my office on March 28, 2003.

These bills were signed by me on April 2, 2003 and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

VISITORS

Visitors to the Chamber were Larry and Darlene Betts from Lincoln; 40 fourth-grade students from North Park Elementary School, Columbus; 26 fourth-grade students and teacher from Northern Hills School, Norfolk; and 40 fourth-grade students and teachers from Washington Elementary School, Norfolk.

RECESS

At 11:53 a.m., on a motion by Senator Cudaback, 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 Baker, Combs, Cunningham, Engel, Kremer, Landis, McDonald, Raikes, Schrock, Stuhr, and Wehrbein who were excused until they arrive.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 412. Placed on General File.

LEGISLATIVE BILL 411. Placed on General File as amended.
Standing Committee amendment to LB 411:
AM1082

- 1 1. On page 2, lines 25 through 27, strike the new matter
- 2 and reinstate the stricken matter.
- 3 2. On page 4, line 13, strike "section" and insert
- 4 "sections 1920 and"; and in line 14 strike the new matter and
- 5 reinstate the stricken matter.

(Signed) Jim Jensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 233. Advanced to E & R for engrossment.

LEGISLATIVE BILL 233A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 487. E & R amendment, AM7078, found on page 682, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 111. Senator Mossey renewed his pending amendment, AM0670, found on page 745.

The Mossey amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 11CA. E & R amendment, AM7079, found on page 743, was adopted.

Senator D. Pederson renewed the D. Pederson et al. pending amendment, AM1119, found on page 1130.

Senator Bromm offered the following amendment to the D. Pederson et al. pending amendment:
AM1139

(Amendments to AM1119)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 22, strike 'eight' and insert 'four'; and in"; and in line 10 after
- 3 the first comma insert "line 4, strike 'eight' and insert 'four';
- 4 in".

Senator Chambers offered the following motion:
Bracket until April 4, 2003.

Senator Chambers withdrew his motion.

Senator Bromm withdrew his amendment, AM1139.

SENATOR VRTISKA PRESIDING

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

Senator D. Pederson asked unanimous consent to withdraw the D. Pederson et al. pending amendment, AM1119, found on page 1130, and replace it with the D. Pederson-Bromm substitute amendment, AM1146. No objections. So ordered.
AM1146

(Amendments to E & R amendments, AM7079)

- 1 1. On page 2, line 22, strike "eight" and insert "four";
- 2 and in line 25 after the first period insert the following new
- 3 subsection:
- 4 "(6) Nothing in the Constitution of Nebraska shall
- 5 prohibit the Legislature from authorizing and regulating games of
- 6 chance using player-activated electronic gaming devices (a) for
- 7 charitable or community betterment purposes in a county, city, or
- 8 village which approves such gaming devices at a regular or special
- 9 election or (b) by licensees within a licensed racetrack
- 10 enclosure.".
- 11 2. On page 3, line 4, strike "eight" and insert "four";
- 12 in line 5 strike "and"; and in line 7 after "facilities" insert ",
- 13 and to permit the Legislature to authorize and regulate games of
- 14 chance using player-activated electronic gaming devices in certain
- 15 localities".

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

SENATOR CUDABACK PRESIDING

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 265. Placed on Select File as amended.
E & R amendment to LB 265:

AM7097

- 1 1. In the Chambers amendment, FA1224, on page 1, after
- 2 "officer" insert an underscored comma.
- 3 2. In the Standing Committee amendments, AM0768:
- 4 a. On page 2, line 6, strike "this" and insert "the";
- 5 and in line 24 after the third comma insert "and" and strike the
- 6 fourth comma and insert "and contain";
- 7 b. On page 3, line 2, after "property" insert an
- 8 underscored comma;
- 9 c. On page 4, line 13, strike "diffuse" and insert
- 10 "defuse";
- 11 d. On page 5, line 12, after the first comma insert
- 12 "pled";
- 13 e. On page 6, line 20, after the first comma insert "the
- 14 permitholder's";
- 15 f. On page 7, line 12, after "dollars" insert an
- 16 underscored comma; and in line 17 after "county" insert an
- 17 underscored comma;
- 18 g. On page 11, line 21, strike "subsection" and insert
- 19 "section";
- 20 h. On page 12, line 22, strike "subsections" and insert
- 21 "subsection";
- 22 i. On page 13, line 12, strike "this section" and insert
- 23 "the Concealed Handgun Permit Act"; and in line 17 after the first
- 24 comma insert "a"; and
- 1 j. On page 14, line 1, strike the second "or" and insert
- 2 "of"; in line 2 after the comma insert "a"; in line 24 strike the
- 3 comma; and in line 25 strike "2" and insert "3".
- 4 2. On page 1, strike beginning with the comma in line 2
- 5 through "2002" in line 3; and strike beginning with "for" in line 6
- 6 through line 8 and insert "an operative date; to provide
- 7 severability; and to repeal the original section."

LEGISLATIVE BILL 724. Placed on Select File as amended.
E & R amendment to LB 724:

AM7096

- 1 1. In the Standing Committee amendments, AM1031, on page

2 4, lines 12 and 24, after the first "the" insert "behavioral
3 health".

4 2. On page 1, strike beginning with the semicolon in
5 line 2 through "date" in line 3.

LEGISLATIVE BILL 46A. Placed on Select File.

LEGISLATIVE BILL 439A. Placed on Select File.

LEGISLATIVE BILL 667A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 46:

FA1257

Strike Section 1.

SELECT FILE

LEGISLATIVE RESOLUTION 11CA. The D. Pederson-Bromm pending amendment, AM1146, found in this day's Journal, was renewed.

Senator Beutler requested a division of the question on the D. Pederson-Bromm amendment.

The Chair sustained the division of the question.

Senator D. Pederson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 14 ayes, 19 nays, and 16 present and not voting.

The Chair was sustained.

The first D. Pederson-Bromm amendment is as follows:

FA1258

1 1. On page 2, line 22, strike "eight" and insert "four";
2 and in line 25 after the first period insert the following new
3 subsection:
4 "(6) Nothing in the Constitution of Nebraska shall
5 prohibit the Legislature from authorizing and regulating games of
6 chance using player-activated electronic gaming devices (a) for
7 charitable or community betterment purposes in a county, city, or
8 village which approves such gaming devices at a regular or special
9 election or (b) by licensees within a licensed racetrack
10 enclosure.".

Senator Landis 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 D. Pederson moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Bromm requested a roll call vote on the first D. Pederson-Bromm amendment.

Voting in the affirmative, 18:

Aguilar	Burling	Hudkins	Mossey	Synowiecki
Baker	Connealy	Johnson	Pedersen, Dw.	Wehrbein
Bourne	Cunningham	McDonald	Pederson, D.	
Bromm	Friend	Mines	Smith	

Voting in the negative, 18:

Beutler	Foley	Landis	Redfield	Thompson
Combs	Jensen	Louden	Schimek	Tyson
Engel	Jones	Quandahl	Schrock	
Erdman	Kremer	Raikes	Stuthman	

Present and not voting, 13:

Brashear	Chambers	Janssen	Preister	Vrtiska
Brown	Cudaback	Kruse	Price	
Byars	Hartnett	Maxwell	Stuhr	

The first D. Pederson-Bromm amendment lost with 18 ayes, 18 nays, and 13 present and not voting.

The Chair declared the call raised.

The second D. Pederson-Bromm amendment is as follows:
FA1259

11 2. On page 3, line 4, strike "eight" and insert "four";
12 in line 5 strike "and"; and in line 7 after "facilities" insert ",
13 and to permit the Legislature to authorize and regulate games of
14 chance using player-activated electronic gaming devices in certain
15 localities".

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

The second D. Pederson-Bromm amendment lost with 14 ayes, 22 nays, and 13 present and not voting.

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

Senator Janssen offered the following amendment:
AM1107

(Amendments to E & R amendments, AM7079)

- 1 1. On page 2, line 16, strike "or a machine" and insert
- 2 "a player-activated electronic gaming device, or a player-activated
- 3 mechanical gaming device"; in line 23 strike "under this
- 4 subsection" and insert "regardless of whether any activity
- 5 authorized by this section is conducted at such facilities"; and in
- 6 line 25 after the first period insert "The proceeds of gaming
- 7 authorized under this subdivision shall be used for such purposes
- 8 as are determined by the Legislature.".

SPEAKER BROMM PRESIDING

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Janssen moved for a call of the house. The motion prevailed with 34 ayes, 4 nays, and 11 not voting.

The Janssen amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 165:
AM1068

(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 such public or private entity engaged in management
- 5 or operation of a nuclear power plant. The same limitations of
- 6 liability and other protections available to a public power
- 7 district or a public power and irrigation district under the
- 8 Political Subdivisions Tort Claims Act shall apply to any public or
- 9 private entity acting as an agent for a public power district or a
- 10 public power and irrigation district pursuant to a contract for the
- 11 management or operation of a nuclear power plant".

Senator Loudon filed the following amendment to LR 11CA:
AM1122

(Amendments to E & R amendments, AM7079)

- 1 1. On page 2, line 23, after "subsection" insert ",
- 2 three of which shall be located within the Mountain Standard or
- 3 Mountain Daylight time zone".

Senator Wehrbein filed the following amendment to LB 607:
AM1123

(Amendments to E & R amendments, AM7084)

- 1 1. On page 12, line 10, strike the second "and" and
- 2 insert an underscored comma; and in line 11 after "Audits" insert
- 3 ", and the Reporting Standards for Performance Audits".
- 4 2. On page 27, line 14; and page 28, line 27, after the
- 5 underscored comma insert "as that term is defined in the Electronic
- 6 Codification of Government Auditing Standards as of July 1999,
- 7 published by the Comptroller General of the United States, General
- 8 Accounting Office,".
- 9 3. On page 29, line 3, after "shall" insert
- 10 "immediately" and after "them" insert "in writing"; in line 4 after
- 11 "may" insert "investigate the issue further," and strike "them" and
- 12 insert "it"; and in line 5 after "Legislature" insert ", or both".

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 17, LB 95, LB 148, LB 172, LB 208, LB 528, LB 572, and LB 670. No objections. So ordered.

VISITORS

Visitors to the Chamber were Daniel and Shirley Hall from Fairmont; 20 fourth-grade students and teacher from Howells Community Catholic School, Howells; 15 fourth-grade students and teacher from Humphrey St. Francis School, Humphrey; Paul, Brenda, Connor, and Tom Beranek from Ravenna; and Ralph Knoebel from Fairbury.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

ADJOURNMENT

At 3:58 p.m., on a motion by Senator Bourne, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 3, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 3, 2003

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Landis and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

MESSAGE FROM THE GOVERNOR

March 26, 2003

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

Dear Mr. President, Speaker Bromm, and Senators:

Contingent upon your approval, the following individual has been appointed to the Motor Vehicle Industry Licensing Board.

APPOINTEE:

Bernard J. Slowik, 808 W Centennial, Papillion, NE 68046

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 April 2, 2003, 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

Dierks, Merton L.
Veterinary Medical Association, Nebraska

Mueller, William J.
Anesthesiologists, Nebraska Society of (Withdrawn 03/28/2003)
Ayars & Ayars, Inc. (Withdrawn 03/31/2003)

Ruth, Larry L.
Anesthesiologists, Nebraska Society of (Withdrawn 03/28/2003)
Ayars & Ayars, Inc. (Withdrawn 03/31/2003)

Vickers, Tom
Aquiculturist & Lake Managers, Nebraska (Withdrawn 04/02/2003)

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Attestation Examination Report

Environmental Quality, Department of, FY 12/19/02

Audit reports for the following:

Educational Lands and Funds, Board of, FY 2002

Educational Telecommunications Commission, FY 2002

Examiners for Land Surveyors, Board of, FY 2002

Health and Human Services System, Regional Centers (Hastings, Norfolk, Lincoln), FY 2002

Justice, Department of, FY 2002, Period 7/1/02-1/8/03

Liquor Control Commission, FY 2002

Retirement Systems, Public Employees - School Employees, Judges, and State Patrol Retirement Plans, FY 2002

Public Accountancy, Board of, FY 2002

Roads, Department of, FY 2002

Railway Council, FY 2002

Financial statements and reports

University of Nebraska, financial statements and reports required by Government Auditing Standards and OMB Circular A-133 performed

by Deloitte & Touche
Investment Finance Authority
 Drinking Water State Revolving Fund Program

RESOLUTIONS

LEGISLATIVE RESOLUTION 39. Read. Considered.

LR 39 was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Pursuant to Rule 4, Sec. 5(b), LRs 64 and 65 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 64 and 65.

SELECT FILE

LEGISLATIVE RESOLUTION 11CA. Senator Louden renewed his pending amendment, AM1122, found on page 1141.

Senator Louden moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Baker	Cudaback	Jones	Louden	Stuhr
Chambers	Erdman	Kremer	Smith	Stuthman

Voting in the negative, 11:

Bromm	Connealy	Pederson, D.	Thompson
Burling	Cunningham	Quandahl	Wehrbein
Combs	Pedersen, Dw.	Raikes	

Present and not voting, 27:

Aguilar	Engel	Jensen	Mossey	Synowiecki
Beutler	Foley	Johnson	Preister	Tyson
Bourne	Friend	Kruse	Price	Vrtiska
Brashear	Hartnett	Maxwell	Redfield	
Brown	Hudkins	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	

Excused and not voting, 1:

Landis

The Louden amendment lost with 10 ayes, 11 nays, 27 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 39.

SELECT FILE

LEGISLATIVE RESOLUTION 11CA. Senator Janssen offered the following amendment:

AM1158

- 1 1. In the Janssen amendment, AM1107, on page 1, line 6,
- 2 strike "proceeds" and insert "revenue generated by state regulation
- 3 and taxation".

The Janssen amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Janssen requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 25:

Aguilar	Byars	Friend	Maxwell	Schimek
Beutler	Chambers	Hartnett	McDonald	Schrock
Bourne	Combs	Hudkins	Mines	Stuthman
Bromm	Connealy	Janssen	Preister	Synowiecki
Brown	Cunningham	Landis	Raikes	Thompson

Voting in the negative, 20:

Baker	Erdman	Jones	Price	Stuhr
Burling	Foley	Kremer	Quandahl	Tyson
Cudaback	Jensen	Kruse	Redfield	Vrtiska
Engel	Johnson	Mossey	Smith	Wehrbein

Present and not voting, 4:

Brashear Louden Pedersen, Dw. Pederson, D.

Advanced to E & R for engrossment with 25 ayes, 20 nays, and 4 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 165. E & R amendment, AM7080, found on page 805, was adopted.

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

Senator Beutler withdrew his pending amendment, AM0953, found on page 1049.

Senator Beutler renewed his pending amendment, AM1068, found on page 1141.

Senator Thompson asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Preister offered the following amendment:
AM1151

(Amendments to E & R amendments, AM7080)

- 1 1. Insert the following new sections:
- 2 "Sec. 12. The Legislature finds and declares that public
- 3 power provides special and unique benefits to the citizens of the
- 4 State of Nebraska. These benefits include low utility rates and
- 5 public input and accountability in the governance of the state's
- 6 public power entities. The Legislature has consistently endorsed
- 7 the importance of public power to the state, including the
- 8 conclusions by the LR 455 Task Force in 1999 that the electric
- 9 utility industry in Nebraska should not be deregulated and that
- 10 markets should not be opened to private retail competition. For

11 these reasons, the Legislature finds that any decision to contract
12 for the operation of a public power district facility by a private
13 entity should be made only in extraordinary circumstances.
14 Sec. 14. (1) If a public power district or public power
15 and irrigation district desires to contract with a private entity
16 for the operation of a nuclear power plant, such decision shall be
17 made after public notice and hearing and shall require: (a) A
18 two-thirds majority vote of the elected members of the board of the
19 district; and (b) findings of fact that there are extraordinary
20 circumstances which require such action. Extraordinary
21 circumstances include, but are not limited to (a) no public power
22 entity is willing and able to assume operation of the facility, (b)
23 regulatory compliance issues and concerns, or (c) health and
1 safety.
2 (2) The notice shall be in addition to the notice usually
3 provided for board meetings and shall be published in a newspaper
4 having general circulation in the state and, as appropriate, in
5 other newspapers and publications. The notice shall include, at a
6 minimum, a brief description of the extraordinary circumstances as
7 well as the sites where documents regarding this hearing may be
8 reviewed by the public. At least one of such sites shall be on the
9 web site of the district providing the notice."
10 2. Amend the operative date section so that the sections
11 added by this amendment become operative on their effective date.
12 3. Renumber the remaining sections accordingly.

Senator Stuhr moved the previous question. The question is, "Shall the debate now close?"

Senator Preister requested a ruling of the Chair on whether there had been sufficient debate, pursuant to Rule 7, Sec. 4.

The Chair ruled there had been sufficient debate on the Preister amendment.

The motion to cease debate failed with 23 ayes, 10 nays, and 16 not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Slowik, Bernard J. - Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Senators Thompson and Synowiecki filed the following amendment to
LB 608:

AM1145

(Amendments to E & R amendments, AM7090)

- 1 1. On page 9, line 6, after "(7)" insert "Group health
2 insurance plan shall mean an employer-sponsored or
3 employee-supported health insurance plan for which the employer
4 pays at least fifty percent of the premium for individual or family
5 coverage for full-time employees who choose to participate in the
6 plan. The plan shall include coverage for basic hospital and
7 physician care;
8 (8)"; in line 16 strike "(8)", show as stricken, and
9 insert "(9)"; in line 19 strike "(9)", show as stricken, and insert
10 "(10)"; in line 22 strike "(10)" and insert "(11)"; and in line 24
11 strike "(11)" and insert "(12)".
- 12 2. On page 10, line 1, strike "(12)" and insert "(13)".
- 13 3. On page 11, line 3, strike "(13)" and insert "(14)";
14 in line 10 strike "(14)" and insert "(15)"; in line 18 strike
15 "(15)" and insert "(16)"; and in line 24 strike "(16)" and insert
16 "(17)".
- 17 4. On page 12, line 1, strike "(17)" and insert "(18)";
18 and in line 11 strike "(18)" and insert "(19)".
- 19 5. On page 14, line 3; and page 21, line 15, after
20 "employees" insert ", who shall be eligible for coverage by a group
21 health insurance plan.".
- 22 6. On page 14, line 5; and page 21, line 17, after
23 "employees" insert ", who shall be eligible for coverage by a group
1 health insurance plan.".

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 210. Placed on Select File as amended.

E & R amendment to LB 210:

AM7098

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
- 3 "Section 1. Section 48-106, Revised Statutes Supplement,
4 2002, is amended to read:
- 5 48-106. (1) The Nebraska Workers' Compensation Act shall
6 apply to the State of Nebraska, to every governmental agency
7 created by the state, and, except as provided in this section, to
8 every resident employer in this state and nonresident employer
9 performing work in this state who employs one or more employees in
10 the regular trade, business, profession, or vocation of such

11 employer.

12 (2) The act shall not apply to:

13 (a) A railroad company engaged in interstate or foreign
14 commerce;

15 (b) Service performed by a worker who is a household
16 domestic servant in a private residence;

17 (c) Service performed by a worker when performed on a
18 farm or ranch for an employer who is engaged in an agricultural
19 operation and employs only related employees; and

20 (d) Service performed by a worker when performed on a
21 farm or ranch for an employer who is engaged in an agricultural
22 operation and employs unrelated employees unless:

23 (i) Such service is performed on a farm or ranch for an
24 employer who during any calendar year employs six or more
25 unrelated, full-time employees, whether in one or more locations,
26 on each working day during any thirteen-week period, whether or not
27 such weeks are consecutive; and

28 (ii) Forty percent or more of the employer's annual gross
29 revenue is derived from the cultivation of land owned or leased by
30 someone other than the employer or a person related to the employer
31 within the third degree by blood or marriage for the production of
32 agricultural crops, fruit, or other horticultural products, or
33 forty percent or more of the employer's annual gross revenue is
34 derived from the keeping or feeding of animals not owned by the
35 employer or a person related to the employer within the third
36 degree by blood or marriage for the production of livestock or
37 livestock products. Relationship by blood or marriage within the
38 third degree has the same meaning as in subdivision (8)(b) of this
39 section.

40 (3) If the employer is the state or any governmental
41 agency created by the state, the exemption from the act under
42 subdivision (2)(d) of this section does not apply.

43 (4) If the act applies to an employer because the
44 employer meets the requirements of subdivisions (2)(d)(i) and
45 (2)(d)(ii) of this section, all unrelated employees shall be
46 covered under the act and such employees' wages shall be considered
47 for premium purposes.

48 (5) If an employer to whom the act applies because the
49 employer meets the requirements of subdivisions (2)(d)(i) and
50 (2)(d)(ii) of this section subsequently employs fewer than six
51 unrelated employees, such employer shall continue to provide
52 workers' compensation insurance coverage for the employees for a
53 full calendar year after the number of employees is less than six.
54 Such employer may elect to return to exempt status, and if such
55 election is made, the employer shall give the employees notice as
56 provided in subsection (6) of this section.

57 (6) An employer who is exempt from the act may elect to
58 bring the employees of such employer under the act. Such election
59 is made by the employer obtaining a policy of workers' compensation

9 insurance covering such employees. Such policy shall be obtained
10 from a corporation, association, or organization authorized and
11 licensed to transact the business of workers' compensation
12 insurance in this state. If such an exempt employer procures a
13 policy of workers' compensation insurance which is in full force
14 and effect at the time of an accident to an employee of such
15 employer, such procurement is conclusive proof of the employer's
16 and employee's election to be bound by the act. Such an exempt
17 employer who has procured a policy of workers' compensation
18 insurance may elect to return to exempt status by (a) posting,
19 continuously in a conspicuous place at the employment locations of
20 the employees for a period of at least ninety days, a written or
21 printed notice stating that the employer will no longer carry
22 workers' compensation insurance for the employees and the date such
23 insurance will cease and (b) thereafter no longer carrying a policy
24 of workers' compensation insurance. Failure to provide notice in
25 accordance with this subsection voids an employer's attempt to
26 return to exempt status.

27 (7) An exclusion from coverage in any health, accident,
1 or other insurance policy covering a person employed by an employer
2 who is exempt from the act under this section which provides that
3 coverage under the health, accident, or other insurance policy does
4 not apply if such person is entitled to workers' compensation
5 coverage is void as to such person if such employer has not elected
6 to bring the employees of such employer within the act as provided
7 in subsection (6) of this section.

8 (8) For purposes of this section:

9 (a) Agricultural operation means (i) the cultivation of
10 land for the production of agricultural crops, fruit, or other
11 horticultural products or (ii) the ownership, keeping, or feeding
12 of animals for the production of livestock or livestock products;
13 and

14 (b) Related employee means an employee related to the
15 employer within the third degree by blood or marriage.
16 Relationship by blood or marriage within the third degree includes
17 parents, grandparents, great grandparents, children, grandchildren,
18 great grandchildren, brothers, sisters, uncles, aunts, nephews,
19 nieces, and spouses of the same. If the employer is a partnership,
20 limited liability company, or corporation in which all of the
21 partners, members, or shareholders are related within the third
22 degree by blood or marriage, then related employee means any
23 employee related to any such partner, member, or shareholder within
24 the third degree by blood or marriage. The Nebraska Workers'
25 Compensation Act shall apply to the State of Nebraska and every
26 governmental agency created by it, and to every employer in this
27 state, including nonresident employers performing work in the State
1 of Nebraska, employing one or more employees, in the regular trade,
2 business, profession, or vocation of such employer, except railroad
3 companies engaged in interstate or foreign commerce.

4 (2) The following are declared not to be hazardous
5 occupations and not within the provisions of the Nebraska Workers'
6 Compensation Act: Employers of household domestic servants and
7 employers of farm or ranch laborers. An employer who is excluded
8 from the act under this subsection may elect to bring the employees
9 of such employer within the provisions of the act. Such election
10 is made by the employer obtaining a policy of workers' compensation
11 insurance covering such employees from a corporation, association,
12 or organization authorized and licensed to transact the business of
13 workers' compensation insurance in this state. If an employer who
14 is excluded from the act under this subsection has not elected to
15 bring the employees of such employer within the provisions of the
16 act by obtaining a policy of workers' compensation insurance as
17 provided in this subsection and any health, accident, or other
18 insurance policy covering such employees contains an exclusion of
19 coverage if the insured is otherwise entitled to workers'
20 compensation coverage, such exclusion shall be null and void as to
21 such employees.

22 (3) The procuring by any such employer of such a policy
23 of insurance, referred to in subsection (2) of this section, which
24 is in full force and effect at the time of an accident to any of
25 his or her employees, shall be conclusive proof of such employer's
26 and his or her employees' election to be bound by the Nebraska
27 Workers' Compensation Act, to all intents and purposes as if they
1 had not been specifically excluded by the terms of this section.
2 Such employer of household domestic servants and such employer of
3 farm or ranch laborers who has procured such a policy of insurance
4 may elect to return to the status of being not within the
5 provisions of the Nebraska Workers' Compensation Act by (a) no
6 longer carrying a policy of workers' compensation insurance and (b)
7 posting and thereafter keeping continuously posted for a period of
8 at least one year in a conspicuous place about the place or places
9 where his or her workers are employed a written or printed notice
10 of election not to be bound by the provisions of such act.

11 Sec. 2. Section 48-125.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-125.01. Any employer who knowingly transfers, sells,
14 encumbers, assigns, or in any manner disposes of, conceals,
15 secretes, or destroys any property or records belonging to such
16 employer, after one of his or her employees has been injured within
17 the purview of the Nebraska Workers' Compensation Act, and with
18 intent to avoid the payment of compensation under such act to such
19 employee or his or her dependents, shall be guilty of a Class I
20 misdemeanor. In any case when such employer is a corporation, any
21 officer or employee thereof, if knowingly participating or
22 acquiescing in the act with intent to avoid the payment of
23 compensation under the Nebraska Workers' Compensation Act, shall be
24 also individually guilty of a Class I misdemeanor as well as
25 jointly and severally liable with such corporation for any fine

26 imposed upon the corporation. In any case when such employer is a
 27 limited liability company, any member or manager thereof, if
 1 knowingly participating or acquiescing in the act with intent to
 2 avoid the payment of compensation under the Nebraska Workers'
 3 Compensation Act, shall be also individually guilty of a Class I
 4 misdemeanor as well as jointly and severally liable with such
 5 limited liability company for any fine imposed upon the limited
 6 liability company. In any case when such employer is a limited
 7 partnership or a limited liability partnership, any general
 8 partner, if knowingly participating or acquiescing in the act with
 9 intent to avoid the payment under the Nebraska Workers'
 10 Compensation Act, shall also be guilty of a Class I misdemeanor as
 11 well as jointly and severally liable with such limited partnership
 12 or limited liability partnership, and limited partners shall not be
 13 liable.
 14 Sec. 3. Original section 48-125.01, Reissue Revised
 15 Statutes of Nebraska, and section 48-106, Revised Statutes
 16 Supplement, 2002, are repealed."
 17 2. On page 1, line 3, strike "sections 48-106 and
 18 48-115" and insert "section 48-106"; and in line 4 strike "to
 19 redefine terms;"

Correctly Engrossed

The following bills were correctly engrossed: LBs 111, 233, 233A, and 487.

ER9041

Enrollment and Review Change to LB 111

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "the penalty" has been struck and "penalty provisions" inserted.

ER9042

Enrollment and Review Change to LB 233

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, strike "inspection" and insert "provisions relating to".
2. On page 2, line 10, "is" has been struck.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 286. Placed on General File as amended.
 Standing Committee amendment to LB 286:

AM1141

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 77-2101.03, Revised Statutes
 4 Supplement, 2002, is amended to read:
 5 77-2101.03. (1) For decedents dying on or after January
 6 1, 2003, and before July 1, 2003, the tax on the Nebraska taxable
 7 estate shall be the greater of the maximum state tax credit
 8 allowance upon the tax imposed under chapter 11 of the Internal
 9 Revenue Code or the amount provided in the following table: The
 10 following table shall be used to determine the tax on the Nebraska
 11 taxable estate:

Nebraska taxable estate						Of Excess Over
	At least	But less than	Tax =	+	%	
15	\$ 0	\$ 40,000	\$ 0	0	0	\$ 0
16	40,000	90,000	0	.8		40,000
17	90,000	140,000	400	1.6		90,000
18	140,000	240,000	1,200	2.4		140,000
19	240,000	440,000	3,600	3.2		240,000
20	440,000	640,000	10,000	4		440,000
21	640,000	840,000	18,000	4.8		640,000
22	840,000	1,040,000	27,600	5.6		840,000
23	1,040,000	1,540,000	38,800	6.4		1,040,000
24	1,540,000	2,040,000	70,800	7.2		1,540,000
1	2,040,000	2,540,000	106,800	8		2,040,000
2	2,540,000	3,040,000	146,800	8.8		2,540,000
3	3,040,000	3,540,000	190,800	9.6		3,040,000
4	3,540,000	4,040,000	238,800	10.4		3,540,000
5	4,040,000	5,040,000	290,800	11.2		4,040,000
6	5,040,000	6,040,000	402,800	12		5,040,000
7	6,040,000	7,040,000	522,800	12.8		6,040,000
8	7,040,000	8,040,000	650,800	13.6		7,040,000
9	8,040,000	9,040,000	786,800	14.4		8,040,000
10	9,040,000	10,040,000	930,800	15.2		9,040,000
11	10,040,000		1,082,800	16		10,040,000

12 (2) For decedents dying on or after July 1, 2003, the
 13 following table shall be used to determine the tax on the Nebraska
 14 taxable estate:

Nebraska taxable estate						Of Excess Over
	At least	But less than	Tax =	±	%	
17	\$ 0	\$ 100,000	\$ 0	41		\$ 0
18	100,000	500,000	41,000	6.4		100,000
19	500,000	1,000,000	66,600	7.2		500,000
20	1,000,000	1,500,000	102,600	8		1,000,000
21	1,500,000	2,000,000	142,600	8.8		1,500,000
22	2,000,000	2,500,000	186,600	9.6		2,000,000
23	2,500,000	3,000,000	234,600	10.4		2,500,000

25	<u>3,000,000</u>	<u>4,000,000</u>	<u>286,600</u>	<u>11.2</u>	<u>3,000,000</u>
26	<u>4,000,000</u>	<u>5,000,000</u>	<u>398,600</u>	<u>12</u>	<u>4,000,000</u>
27	<u>5,000,000</u>	<u>6,000,000</u>	<u>518,600</u>	<u>12.8</u>	<u>5,000,000</u>
1	<u>6,000,000</u>	<u>7,000,000</u>	<u>646,600</u>	<u>13.6</u>	<u>6,000,000</u>
2	<u>7,000,000</u>	<u>8,000,000</u>	<u>782,600</u>	<u>14.4</u>	<u>7,000,000</u>
3	<u>8,000,000</u>	<u>9,000,000</u>	<u>926,600</u>	<u>15.2</u>	<u>8,000,000</u>
4	<u>9,000,000</u>		<u>1,078,600</u>	<u>16</u>	<u>9,000,000</u>

5 ~~(2)~~ (3) Taxable generation-skipping transfers shall be
6 taxed at a rate of sixteen percent of the Nebraska taxable
7 transfer.

8 Sec. 2. This act becomes operative on January 1, 2003.

9 Sec. 3. Original section 77-2101.03, Revised Statutes
10 Supplement, 2002, is repealed.

11 Sec. 4. Since an emergency exists, this act takes effect
12 when passed and approved according to law."

LEGISLATIVE BILL 572. Placed on General File as amended.

(Standing Committee amendment, AM1149, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 759. Placed on General File as amended.

(Standing Committee amendment, AM1142, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 165. The Preister pending amendment, AM1151, found in this day's Journal, was renewed.

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

Senator Preister moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Preister requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler	Friend	Maxwell	Quandahl	Synowiecki
Bourne	Hartnett	Mines	Redfield	
Chambers	Landis	Preister	Schimek	

Voting in the negative, 24:

Brashear	Engel	Jones	Pederson, D.	Stuthman
Burling	Erdman	Kremer	Raikes	Tyson
Byars	Hudkins	McDonald	Schrock	Vrtiska
Combs	Jensen	Mossey	Smith	Wehrbein
Cunningham	Johnson	Pedersen, Dw.	Stuhr	

Present and not voting, 9:

Aguilar	Brown	Cudaback	Kruse	Price
Baker	Connealy	Janssen	Louden	

Excused and not voting, 3:

Bromm	Foley	Thompson

The Preister amendment lost with 13 ayes, 24 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Preister offered the following motion:
Bracket LB 165.

Senator Preister withdrew his motion to bracket.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

Senator Preister requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Cunningham	Janssen	McDonald	Smith
Baker	Engel	Johnson	Mossey	Stuthman
Beutler	Erdman	Jones	Pedersen, Dw.	Tyson
Burling	Friend	Kremer	Pederson, D.	Vrtiska
Combs	Hudkins	Louden	Schrock	Wehrbein

Voting in the negative, 7:

Chambers	Preister	Quandahl	Synowiecki
Mines	Price	Schimek	

Present and not voting, 13:

Bourne	Byars	Hartnett	Maxwell	Stuhr
Brashear	Connealy	Kruse	Raikes	
Brown	Cudaback	Landis	Redfield	

Excused and not voting, 4:

Bromm	Foley	Jensen	Thompson

Advanced to E & R for engrossment with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 165A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 688. E & R amendment, AM7081, found on page 830, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 619. E & R amendment, AM7082, printed separately and referred to on page 855, was adopted.

Senator Schrock renewed his pending amendment, AM1017, found on page 1051.

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

The Schrock amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Schrock renewed his pending amendment, AM1038, found on page 1075.

The Schrock amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senators Erdman and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler offered the following amendment:

FA1260

(Amendments to E & R amendments, AM7082)

- 1 1. On page 10, line 15, after the period insert "The
- 2 department shall approve or disapprove the certification and notify
- 3 the owner or other responsible party within thirty days after the
- 4 date of such filing, except that if the department determines that

5 the certification is incomplete it shall so notify the owner or
 6 other responsible party and shall approve or disapprove the
 7 certification within thirty days after the date the owner or other
 8 responsible party files a complete certification."; and strike
 9 beginning with the first comma in line 20 through "department" in
 10 line 22 and insert "disapproves the certification as provided in
 11 this subsection".
 1 2. On page 1, line 17, strike "voluntary".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 294. Advanced to E & R for engrossment.

LEGISLATIVE BILL 607. E & R amendment, AM7084, printed separately and referred to on page 856, was adopted.

Senator Wehrbein withdrew the Wehrbein-Beutler pending amendment, AM1032, found on page 1076.

Senator Wehrbein renewed his pending amendment, AM1123, found on page 1142.

SPEAKER BROMM PRESIDING

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

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 332. E & R amendment, AM7083, found on page 856, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 148. E & R amendment, AM7088, found on page 914, was adopted.

Senator Landis renewed the Landis-Friend pending amendment, AM0897, printed separately and referred to on page 994.

Senator Bourne asked unanimous consent to be excused. No objections. So ordered.

The Landis-Friend amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 756. E & R amendment, AM7087, found on page 917, was adopted.

Senator McDonald offered the following amendment:
AM1144

(Amendments to E & R amendments, AM7087)

- 1 1. On page 3, line 17, after "entity" insert ",
- 2 including a cancer drug manufacturer,"; in line 24 strike "The" and
- 3 insert "Notwithstanding subsection (1) of this section, the"; and
- 4 strike line 27 and insert "nor shall such donation increase the
- 5 liability of such cancer drug manufacturer that would have existed
- 6 but for the donation.".
- 7 2. On page 4, strike lines 1 and 2.

The McDonald amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 756A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 726. E & R amendment, AM7085, found on page 919, was adopted.

Senator Smith withdrew his pending amendment, FA1198, found on page 851.

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

Senator Smith offered the following amendment:
AM1143

(Amendments to E & R amendments, AM7085)

- 1 1. On page 1, line 12, after "(2)" insert "The governing
- 2 body of any county with a population of three hundred thousand
- 3 inhabitants or less may after a public hearing adopt a resolution
- 4 to impose an additional sales tax of not to exceed one percent upon
- 5 the total consideration charged for occupancy of any space
- 6 furnished by any hotel if such county has created a County Visitors
- 7 Promotion Fund and a visitors committee pursuant to section

8 81-1255. The proceeds from such tax shall be paid to the County
 9 Visitors Promotion Fund.

10 (3)"; in lines 12 and 13 reinstate the stricken matter;
 11 and in line 20 strike "(3)", show as stricken, and insert "(4)".
 12 2. On page 2, lines 6 and 7, reinstate the stricken
 13 matter.

The Smith amendment lost with 10 ayes, 11 nays, 21 present and not voting, and 7 excused and not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Voting in the affirmative, 26:

Aguilar	Hartnett	Kruse	Price	Tyson
Beutler	Hudkins	Louden	Quandahl	Vrtiska
Bromm	Janssen	Maxwell	Schimek	
Brown	Johnson	McDonald	Stuhr	
Byars	Jones	Mossey	Stuthman	
Connealy	Kremer	Pedersen, Dw.	Synowiecki	

Voting in the negative, 11:

Baker	Cunningham	Raikes	Smith
Brashear	Mines	Redfield	Wehrbein
Chambers	Pederson, D.	Schrock	

Present and not voting, 6:

Burling	Engel	Friend
Combs	Foley	Preister

Excused and not voting, 6:

Bourne	Erdman	Landis
Cudaback	Jensen	Thompson

Advanced to E & R for engrossment with 26 ayes, 11 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 650. Placed on General File as amended.

Standing Committee amendment to LB 650:

AM1161

1 1. Insert the following new section:
2 "Sec. 4. Since an emergency exists, this act takes
3 effect when passed and approved according to law."
4 2. On page 2, line 9, after "Fund" insert "money
5 recovered through any action initiated pursuant to subsection (5)
6 of this section, money collected from utilities pursuant to the
7 assessment provided for in subsection (6) of this section,"; and in
8 line 28 after the period insert "Loan proceeds shall be used only
9 for costs and expenses which are necessary and directly related to
10 the purposes for which the loan is provided and which are
11 reasonably comparable in amount to the cost of the same or similar
12 services generally prevailing in the area where incurred."
13 3. On page 3, lines 27 and 28, strike the new matter and
14 insert "The Public Service Commission may review the use of any
15 money loaned from the fund and may recover any proceeds of such
16 loans expended in a manner contrary to or for purposes other than
17 those authorized by the Municipal Natural Gas Regulation Act or
18 rules and regulations adopted and promulgated pursuant thereto from
19 (a) any municipality or (b) any person in receipt from a
20 municipality of any money loaned from the fund.
21 (6) The Public Service Commission shall, after the
22 effective date of this act but not later than January 1, 2004,
23 determine the amount of money necessary to meet the current and
24 projected amount of requests for loans from the fund. The
1 commission shall, not later than January 1, 2004, make one
2 assessment against the utilities subject to the Municipal Natural
3 Gas Regulation Act of the total amount of money required to meet
4 the projected needs of the fund, except that the total assessment
5 shall not exceed six hundred thousand dollars. Each utility shall
6 be charged its pro rata share of the total assessment in the same
7 proportion as the number of customers of the utility subject to the
8 act bears to the total number of customers in the state subject to
9 the act. Money collected pursuant to this subsection and placed in
10 the fund shall not be used for any loan application filed before
11 January 1, 2003, or rate regulation proceeding initiated pursuant
12 to the Municipal Natural Gas Regulation Act commenced prior to
13 January 1, 2003. Each utility shall pay its share of the
14 assessment within thirty days after being billed by the commission.
15 Each utility may recover the amount of its share of the assessment
16 through a special surcharge on customers which may be billed on the
17 monthly statements for up to a twelve-month period to be shown on
18 the statements as a charge for rate regulation expense.
19 (7) Any action by the Public Service Commission initiated
20 pursuant to subsection (5) of this section to recover any money
21 loaned from the fund shall be commenced within six years after the
22 date upon which the municipality or person in receipt of proceeds
23 from the fund expended the money received from the fund."

24 4. On page 4, lines 1, 2, and 9 through 24, strike the
25 new matter.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 46:
AM1156

(Amendments to E & R amendments, AM7092)

- 1 1. On page 30, strike beginning with "During" in line 25
- 2 through "the" in line 27, show as stricken, and insert "The".
- 3 2. On page 31, strike beginning with "Intentional" in
- 4 line 16 through line 21, show as stricken, and insert "The
- 5 department may not impose disciplinary action upon any committed
- 6 offender solely because of the committed offender's failure to
- 7 comply with the department-approved personalized program plan, but
- 8 such failure may be considered by the board in its deliberations on
- 9 whether or not to grant parole to a committed offender.".

Senator Beutler filed the following amendment to LB 46:
AM1015

(Amendments to Standing Committee amendments, AM0770)

- 1 1. On page 51, line 6, after the underscored period
- 2 insert "The director shall so certify within thirty days after the
- 3 date on which the population first exceeds one hundred forty
- 4 percent of design capacity.".
- 5 2. On page 52, line 4, after the underscored period
- 6 insert "The director shall so certify within thirty days after the
- 7 date on which the population first reaches operational capacity.".

Senator Beutler filed the following amendment to LB 46:
AM1016

(Amendments to Standing Committee amendments, AM0770)

- 1 1. On page 51, line 6, after the underscored period
- 2 insert "The Governor shall declare a correctional system
- 3 overcrowding emergency whenever the director certifies that the
- 4 population is over one hundred forty-five percent of design
- 5 capacity.".

Senator Raikes filed the following amendment to LB 574:
AM1153

(Amendments to Standing Committee amendments, AM0816)

- 1 1. Insert the following new sections:
- 2 "Sec. 20. The Nebraska Scholarship Fund is created.
- 3 Money in the fund shall include amounts transferred from the State
- 4 Lottery Operation Trust Fund pursuant to section 9-812. For fiscal
- 5 year 2003-04, all amounts accruing to the Nebraska Scholarship Fund
- 6 shall be transferred to the General Fund. For fiscal year 2004-05

7 and each fiscal year thereafter, money in the fund shall be used to
8 carry out the Nebraska Scholarship Act. Any money in the fund
9 available for investment shall be invested by the state investment
10 officer pursuant to the Nebraska Capital Expansion Act and the
11 Nebraska State Funds Investment Act.

12 Sec. 21. Section 9-812, Revised Statutes Supplement,
13 2002, is amended to read:

14 9-812. (1) All money received from the operation of
15 lottery games conducted pursuant to the State Lottery Act in
16 Nebraska shall be credited to the State Lottery Operation Trust
17 Fund, which fund is hereby created. All payments of expenses of
18 the operation of the lottery games shall be made from the State
19 Lottery Operation Cash Fund. In accordance with legislative
20 appropriations, money for payments for expenses of the division
21 shall be transferred from the State Lottery Operation Trust Fund to
22 the State Lottery Operation Cash Fund, which fund is hereby
23 created. All money necessary for the payment of lottery prizes
1 shall be transferred from the State Lottery Operation Trust Fund to
2 the State Lottery Prize Trust Fund, which fund is hereby created.
3 The amount used for the payment of lottery prizes shall not be less
4 than forty percent of the dollar amount of the lottery tickets
5 which have been sold. At least twenty-five percent of the dollar
6 amount of the lottery tickets which have been sold on an annualized
7 basis shall be transferred from the State Lottery Operation Trust
8 Fund to the Education Innovation Fund, the Nebraska Scholarship
9 Fund, the Nebraska Environmental Trust Fund, and the Compulsive
10 Gamblers Assistance Fund. Of the money available to be transferred
11 to the Education Innovation Fund, the Nebraska Environmental Trust
12 Fund, and the Compulsive Gamblers Assistance Fund, the first five
13 hundred thousand dollars shall be transferred to the Compulsive
14 Gamblers Assistance Fund to be used as provided in sections
15 83-162.01 to 83-162.04. Thereafter, ~~forty-nine and one-half~~
16 twenty-four and three-fourths percent of the money remaining after
17 the payment of prizes and operating expenses and the initial
18 transfer to the Compulsive Gamblers Assistance Fund shall be
19 transferred to the Education Innovation Fund. Twenty-four and
20 three-fourths percent of the money remaining after the payment of
21 prizes and operating expenses and the initial transfer to the
22 Compulsive Gamblers Assistance Fund shall be transferred to the
23 Nebraska Scholarship Fund. Forty-nine and one-half percent of the
24 money remaining after the payment of prizes and operating expenses
25 and the initial transfer to the Compulsive Gamblers Assistance Fund
26 shall be transferred to the Nebraska Environmental Trust Fund to be
27 used as provided in the Nebraska Environmental Trust Act. One
1 percent of the money remaining after the payment of prizes and
2 operating expenses and the initial transfer to the Compulsive
3 Gamblers Assistance Fund shall be transferred to the Compulsive
4 Gamblers Assistance Fund to be used as provided in sections
5 83-162.01 to 83-162.04.

6 (2) The Education Innovation Fund is hereby created. At
7 least seventy-five percent of the lottery proceeds allocated to the
8 Education Innovation Fund shall be available for disbursement. For
9 each fiscal year except fiscal years 2001-02, 2002-03, 2003-04, and
10 2004-05, the Education Innovation Fund shall be allocated in the
11 following manner: Up to ~~ten~~ twenty percent to fund the mentor
12 teacher program pursuant to the Quality Education Accountability
13 Act; ~~up to sixty percent as quality education incentives pursuant~~
14 ~~to the act;~~ up to twenty ~~forty~~ percent to the Attracting Excellence
15 to Teaching Program Cash Fund to fund the Attracting Excellence to
16 Teaching Program Act; and up to ~~ten~~ forty percent of the fund shall
17 be allocated by the Governor. For fiscal years 2001-02 and
18 2002-03, the Education Innovation Fund shall be allocated in the
19 following manner by the Excellence in Education Council: Up to one
20 million five hundred thousand dollars per fiscal year, as a
21 distance education network completion grant pursuant to section
22 79-1328; and, after operating expenses for the Excellence in
23 Education Council are deducted, the remainder to the General Fund.
24 For fiscal years 2003-04 and 2004-05, the Education Innovation Fund
25 shall be allocated to the General Fund after operating expenses for
26 the Excellence in Education Council are deducted. The State
27 Treasurer shall transfer two million eighteen thousand one hundred
1 ninety-nine dollars from the Education Innovation Fund to the
2 General Fund within five days after August 16, 2002.

3 Allocations by the Governor shall be through incentive
4 grants to encourage the development of strategic school improvement
5 plans by school districts for accomplishing high performance
6 learning and to encourage schools to establish innovations in
7 programs or practices that result in restructuring of school
8 organization, school management, and instructional programs which
9 bring about improvement in the quality of education. Such
10 incentive grants allocated by the Governor are intended to provide
11 selected school districts, teachers or groups of teachers,
12 nonprofit educational organizations, educational service units, or
13 cooperatives funding for the allowable costs of implementing pilot
14 projects and model programs.

15 From the funds allocated by the Governor, minigrants
16 shall be available to school districts to support the development
17 of strategic school improvement plans which shall include
18 statements of purposes and goals for the districts. The plans
19 shall also include the specific statements of improvement or
20 strategic initiatives designed to improve quality learning for
21 every student.

22 In addition to the minigrants granted for the development
23 of strategic school improvement plans, school districts with annual
24 budget expenditures of three hundred fifty thousand dollars or less
25 are eligible for minigrants from the funds allocated by the
26 Governor for the purposes allowed in subdivisions (2)(a) through
27 (q) of this section. The amount of this type of minigrant shall

1 not exceed five thousand dollars. The school district shall
2 present a curriculum support plan with its application for the
3 grant. The curriculum support plan must show how the district is
4 working to achieve one or more of the allowed purposes and how the
5 grant will be used to directly advance the plan to achieve one or
6 more of these purposes. The plan must be signed by the school
7 administrator and a school board representative. The application
8 for the grant shall be brief. The Excellence in Education Council
9 shall select the recipients of this type of minigrant and shall
10 administer such minigrants.

11 From the funds allocated by the Governor, major
12 competitive grants shall be available to support innovative
13 programs which are directly related to the strategic school
14 improvement plans. The development of a strategic school
15 improvement plan by a school district shall be required before a
16 grant is awarded. Annual reports shall be made by program
17 recipients documenting the effectiveness of the program in
18 improving the quality of education as designed in the strategic
19 school improvement plans. Special consideration shall be given to
20 plans which contain public or private matching funds and
21 cooperative agreements, including agreements for in-kind services.
22 Purposes for which such major competitive grants would be offered
23 shall include:

24 (a) Professional staff development programs to provide
25 funds for teacher and administrator training and continuing
26 education to upgrade teaching and administrative skills;

27 (b) The development of strategic school improvement plans
1 by school districts;

2 (c) Educational technology assistance to public schools
3 for the purchase and operation of computers, telecommunications
4 equipment and services, and other forms of technological innovation
5 which may enhance classroom teaching, instructional management, and
6 districtwide administration. Telecommunications equipment,
7 services, and forms of technical innovation shall be approved only
8 after review by the technical panel created in section 86-521;

9 (d) An educational accountability program to develop an
10 educational indicators system to measure the performance and
11 outcomes of public schools and to ensure efficiency in operations;

12 (e) Alternative programs for students, including
13 underrepresented groups, at-risk students, and dropouts;

14 (f) Programs that demonstrate improvement of student
15 performance against valid national and international achievement
16 standards;

17 (g) Early childhood and parent education which emphasizes
18 child development;

19 (h) Programs using decisionmaking models that increase
20 involvement of parents, teachers, and students in school
21 management;

22 (i) Increased involvement of the community in order to

23 achieve increased confidence in and satisfaction with its schools;
24 (j) Development of magnet or model programs designed to
25 facilitate desegregation;

26 (k) Programs that address family and social issues
27 impairing the learning productivity of students;

1 (l) Programs enhancing critical and higher-order thinking
2 capabilities;

3 (m) Programs which produce the quality of education
4 necessary to guarantee a competitive work force;

5 (n) Programs designed to increase productivity of staff
6 and students through innovative use of time;

7 (o) Training programs designed to benefit teachers at all
8 levels of education by increasing their ability to work with
9 educational technology in the classroom;

10 (p) Approved accelerated or differentiated curriculum
11 programs under sections 79-1106 to 79-1108.03; and

12 (q) Programs for children from birth to age twenty-one
13 years with disabilities receiving special education under the
14 Special Education Act and children from birth to age twenty-one
15 years needing support services as defined in section 79-1125.01,
16 which programs demonstrate improved outcomes for children from
17 birth to age twenty-one years through emphasis on prevention and
18 collaborative planning.

19 The Governor shall establish the Excellence in Education
20 Council. The Governor shall appoint eleven members to the council
21 including representatives of educational organizations,
22 postsecondary educational institutions, the business community, and
23 the general public, members of school boards and parent education
24 associations, school administrators, and at least four teachers who
25 are engaged in classroom teaching. The State Department of
26 Education shall provide staff support for the council to administer
27 the Education Innovation Fund, including the Quality Education
1 Accountability Act. The council shall have the following powers
2 and duties:

3 (i) In consultation with the department, develop and
4 publish criteria for the awarding of incentive grants allocated by
5 the Governor for programs pursuant to this subsection, including
6 minigrants;

7 (ii) Provide recommendations to the Governor regarding
8 the selection of projects to be funded and the distribution and
9 duration of project funding;

10 (iii) Establish standards, formats, procedures, and
11 timelines for the successful implementation of approved programs
12 funded by incentive grants allocated by the Governor from the
13 Education Innovation Fund;

14 (iv) Assist school districts in determining the
15 effectiveness of the innovations in programs and practices and
16 measure the subsequent degree of improvement in the quality of
17 education;

- 18 (v) Consider the reasonable distribution of funds across
19 the state and all classes of school districts;
- 20 (vi) Carry out its duties pursuant to the Quality
21 Education Accountability Act; and
- 22 (vii) Provide annual reports to the Governor concerning
23 programs funded by the fund. Each report shall include the number
24 of applicants and approved applicants, an overview of the various
25 programs, objectives, and anticipated outcomes, and detailed
26 reports of the cost of each program.
- 27 To assist the council in carrying out its duties, the
1 State Board of Education shall, in consultation with the council,
2 adopt and promulgate rules and regulations establishing criteria,
3 standards, and procedures regarding the selection and
4 administration of programs funded from the Education Innovation
5 Fund, including the Quality Education Accountability Act.
- 6 (3) Recipients of incentive grants allocated by the
7 Governor from the Education Innovation Fund shall be required to
8 provide, upon request, such data relating to the funded programs
9 and initiatives as the Governor deems necessary.
- 10 (4) Any money in the State Lottery Operation Trust Fund,
11 the State Lottery Operation Cash Fund, the State Lottery Prize
12 Trust Fund, or the Education Innovation Fund available for
13 investment shall be invested by the state investment officer
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.
- 16 (5) Unclaimed prize money on a winning lottery ticket
17 shall be retained for a period of time prescribed by rules and
18 regulations. If no claim is made within such period, the prize
19 money shall be used at the discretion of the Tax Commissioner for
20 any of the purposes prescribed in this section.
- 21 Sec. 45. The following section is outright repealed:
22 Section 79-758, Revised Statutes Supplement, 2002."
- 23 2. On page 1, line 3, strike "19" and insert "20".
- 24 3. Amend the operative date section and the repealer so
25 that the sections added by this amendment become operative on their
26 effective date.
- 27 4. Renumber the remaining sections and correct internal
1 references accordingly.

VISITORS

Visitors to the Chamber were FFA members, Staci Alberts, Joel Grosbach, Laura Demmel, Sheridan Wright, and Michelle Dill, from southwest Nebraska; Rebecca Winterfeld and Vanessa Wasser from Seward; FFA members, Chris Dowty and Kevin Settles, from Scribner; FFA members, Tyler Skavdahl and Eric Wickersham, from Sioux County; FFA members from across the state; students from the University of Nebraska College of Pharmacy and the Creighton University School of Pharmacy; Mark Krepel from Crofton; 41 fourth-grade students and teachers from Dodge

Elementary School, Grand Island; FFA members, Tracy Lammers and Chris Gubbels, from Hartington, and Kurt Potts, from Fordyce; Sarah Chandler and John Leagjeld from Minnesota; and 40 fourth-grade students and teachers from Cedar Elementary School, Beatrice.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 12:52 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Monday, April 7, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 7, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 7, 2003

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 Senator Preister who was excused; and Senators Brashear, Brown, Hartnett, Kruse, Landis, and Maxwell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

**STANDING COMMITTEE REPORT
Education**

LEGISLATIVE BILL 796. Placed on General File.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 754. Title read. Considered.

The Standing Committee amendment, AM0912, found on page 990, was considered.

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

AM1188

(Amendments to Standing Committee amendments, AM0912)

- 1 1. Strike section 5.
- 2 2. On page 5, lines 16 and 17 strike ", and upon" and

3 insert "or by the county board of commissioners or supervisors if
4 the board has not authorized the commission to exercise such
5 authority. Upon"; and in lines 17 and 20 after "commission" insert
6 "or board".

Senators Aguilar and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENTS

The Chair announced April 5 was Senator Foley's birthday.

The Chair announced today is Senator Erdman's birthday.

GENERAL FILE

LEGISLATIVE BILL 754. The Bromm pending amendment, AM1188, 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?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Bromm amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING Transportation and Telecommunications Room 1113

Tuesday, April 15, 2003
Bernard J. Slowik - Motor Vehicle Industry Licensing Board

1:00 p.m.

(Signed) Tom Baker, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 165, 165A, 294, 332, 607, 619, 688, and LR 11CA.

ER9045

Enrollment and Review Change to LB 165

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7080, on page 9, line 15, "to provide operative dates;" has been inserted after the first semicolon.

ER9043

Enrollment and Review Change to LB 619

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, FA1260, on page 1, line 2, "department" has been struck and "Department of Natural Resources" inserted; in line 9 "the first comma in line 20" has been struck and " 'Department' in line 19" inserted and "department" has been struck and "the" inserted; and in line 10 "and" has been struck and "; and in line 22 after 'department' " inserted.

2. In the E & R amendments, AM7082, on page 23, lines 9 and 17, "46-656.02" has been struck and "46-656.01, 46-656.02," inserted; and in lines 11 and 19 "46-656.12," has been inserted before "46-691".

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 754. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1261

Amend AM0912

On page 1, line 15 after "seek" insert "reasonable"

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 67. Introduced by Aguilar, 35.

WHEREAS, Ryan Hartman, of Phillips, 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, Ryan has learned, been tested 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, Ryan Hartman, upon receiving the rank of Eagle Scout, will join 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ryan Hartman on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Hartman.

Laid over.

VISITORS

Visitors to the Chamber were Dale Beller from Lindsay and Jennifer Stege from Lincoln; 30 Girl Scouts and sponsors; Daryl Sudbeck from Hartington; 45 fourth-grade students and teachers from Golden Hills Elementary School, Bellevue; and 52 tenth-grade students and sponsors from across the state.

RECESS

At 11:57 a.m., on a motion by Senator Byars, 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 Preister who was excused.

GENERAL FILE

LEGISLATIVE BILL 754. The Chambers pending amendment, FA1261, found in this day's Journal, to the Standing Committee amendment, was renewed.

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

The Chambers amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment to the Standing

Committee amendment:

FA1262

Amend AM0912

1. On page 1, line 7 strike "is" and insert "are", strike "for" and insert "to"; line 10 strike "impact" and insert "affect"; line 19 strike "by" and insert "of"; line 24 strike "for" and insert "of" and strike "and initiatives".
2. On page 2, line 13 strike "could" and insert "may".
3. On page 5, line 19 strike "identified" and insert "imposed".

The Chambers amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

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

FA1263

Amend AM0912

1. On page 2, line 2 after "board" insert ", by a duly enacted resolution following a public hearing,"; line 14 after "useful" insert "to the county".

The Chambers amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

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

FA1264

Amend AM0912

On page 1 in lines 20 and 21 strike "a" in line 20 through "county." in line 21.

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 24 ayes, 0 nays, and 25 not voting.

The Chambers amendment lost with 3 ayes, 26 nays, 17 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:

AM1200

(Amendments to Standing Committee amendments, AM0912)

1. On page 5, line 21, after the period insert "The
2 commission or the board may request and review, prior to making a
3 final determination, all information relevant to the setting of
4 conditions for the conditional use or special exception.".

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

SENATOR SCHIMEK PRESIDING

The Beutler amendment was adopted with 26 ayes, 7 nays, 13 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.

Advanced to E & R for review with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS **Judiciary**

LEGISLATIVE BILL 201. Placed on General File.

LEGISLATIVE BILL 512. Placed on General File.

LEGISLATIVE BILL 23. Placed on General File as amended.

Standing Committee amendment to LB 23:

AM1124

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. Section 44-2825, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2825. (1) The total amount recoverable under the
- 6 Nebraska Hospital-Medical Liability Act from any and all health
- 7 care providers and the Excess Liability Fund for any occurrence
- 8 resulting in any injury or death of a patient may not exceed (a)
- 9 five hundred thousand dollars for any occurrence on or before
- 10 December 31, 1984, (b) one million dollars for any occurrence after
- 11 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one
- 12 million two hundred fifty thousand dollars for any occurrence after
- 13 December 31, 1992, and on or before December 31, 2003, and (d) one
- 14 million seven hundred fifty thousand dollars for any occurrence
- 15 after December 31, 2003.
- 16 (2) A health care provider qualified under the act shall
- 17 not be liable to any patient or his or her representative who is
- 18 covered by the act for an amount in excess of two hundred thousand
- 19 dollars for all claims or causes of action arising from any
- 20 occurrence during the period that the act is effective with
- 21 reference to such patient.
- 22 (3) Subject to the overall limits from all sources as
- 23 provided in subsection (1) of this section, any amount due from a
- 24 judgment or settlement which is in excess of the total liability of
- 1 all liable health care providers shall be paid from the Excess
- 2 Liability Fund pursuant to sections 44-2831 to 44-2833."

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendment to LB 146:

AM1202

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 44-2825, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2825. (1) The total amount recoverable under the
- 6 Nebraska Hospital-Medical Liability Act from any and all health
- 7 care providers and the Excess Liability Fund for any occurrence
- 8 resulting in any injury or death of a patient may not exceed (a)
- 9 five hundred thousand dollars for any occurrence on or before
- 10 December 31, 1984, (b) one million dollars for any occurrence after
- 11 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one
- 12 million two hundred fifty thousand dollars for any occurrence after
- 13 December 31, 1992, and on or before December 31, 2003, and (d) one
- 14 million seven hundred fifty thousand dollars for any occurrence
- 15 after December 31, 2003.
- 16 (2) A health care provider qualified under the act shall
- 17 not be liable to any patient or his or her representative who is
- 18 covered by the act for an amount in excess of two hundred thousand
- 19 dollars for all claims or causes of action arising from any
- 20 occurrence during the period that the act is effective with
- 21 reference to such patient.
- 22 (3) Subject to the overall limits from all sources as
- 23 provided in subsection (1) of this section, any amount due from a
- 24 judgment or settlement which is in excess of the total liability of
- 1 all liable health care providers shall be paid from the Excess
- 2 Liability Fund pursuant to sections 44-2831 to 44-2833.
- 3 Sec. 2. Section 44-2827, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2827. (1) Financial responsibility of a health care
- 6 provider may be established only by filing with the director proof
- 7 that the health care provider is insured pursuant to sections
- 8 44-2837 to 44-2839 or by a policy of professional liability
- 9 insurance in a company authorized to do business in Nebraska. Such
- 10 insurance shall be in the amount of two hundred thousand dollars
- 11 per occurrence and, in cases involving physicians or nurse
- 12 anesthetists, but not with respect to hospitals, an aggregate
- 13 liability of at least six hundred thousand dollars for all
- 14 occurrences or claims made in any policy year shall be provided.
- 15 In the case of hospitals and their employees, an aggregate
- 16 liability amount of one million dollars for all occurrences or
- 17 claims made in any policy year shall be provided. ~~Such filing~~
- 18 ~~shall state the amount of the premium charged for the policy of~~
- 19 ~~insurance.~~
- 20 (2) The filing required in subsection (1) of this section
- 21 shall be made by the insurer providing the professional liability

22 insurance to the health care provider and shall include the
23 following information:

24 (a) Name of the health care provider;

25 (b) Address of the health care provider;

26 (c) Whether the coverage is on an occurrence basis, a
27 claims-made basis or whether the coverage is a reporting
1 endorsement that covers for future reports of past occurrences;

2 (d) Coverage dates applying to the insurance;

3 (e) Requested effective dates of qualification;

4 (f) Premium paid by the health care provider for the
5 underlying insurance coverage necessary to qualify;

6 (g) Surcharge paid by the health care provider pursuant
7 to sections 44-2829 to 44-2831; and

8 (h) Any other information required by the director.

9 (3) The information reported to the director under
10 subsection (2) of this section shall not be subject to public
11 disclosure, except that, in response to a request regarding a
12 specific health care provider for a specific date or range of
13 dates, the director shall disclose whether the health care provider
14 is qualified under the Nebraska Hospital-Medical Liability Act.

15 (4) The director shall adopt and promulgate notice
16 requirements for insurers to use in notifying their policyholders
17 of their eligibility and the cost for qualification under the act.

18 Sec. 3. Section 44-2829, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 44-2829. (1) There is hereby created an Excess Liability
21 Fund to be collected and received by the director for the exclusive
22 use and purposes stated in the Nebraska Hospital-Medical Liability
23 Act. Such fund and any income from it shall be held by the State
24 Treasurer in trust, deposited in a separate account, and invested
25 and reinvested pursuant to law.

26 (2) To create the fund, an annual surcharge shall be
27 levied on all health care providers in Nebraska who have qualified
1 under sections 44-2824 and 44-2827. The surcharge for each health
2 care provider shall be determined by the director subject to the
3 following limitations:

4 (a) The annual surcharge shall not exceed fifty percent
5 of the annual premium paid by such health care provider for
6 maintenance of current financial responsibility as provided in
7 sections 44-2827 and 44-2837 to 44-2839; and

8 (b) The charge shall not exceed the amount necessary to
9 maintain the fund in the amount stated in section 44-2830.

10 (3) Such surcharge and any primary insurance premiums due
11 under sections 44-2837 to 44-2839 shall be due and payable within
12 thirty days after the health care provider has qualified in
13 Nebraska pursuant to section 44-2824 and shall be payable annually
14 thereafter in such amounts as may be determined by the director
15 insofar as the surcharge is concerned and by the risk manager
16 insofar as primary liability coverage is concerned. The insurer

17 which provides professional liability insurance to the provider
18 shall collect the surcharge from the health care provider and remit
19 it to the fund within thirty days after receipt.

20 (4) The net premiums payable for primary insurance
21 provided by the risk manager pursuant to sections 44-2837 to
22 44-2839 shall be deposited in the fund at least annually by the
23 risk manager.

24 (5) If the annual premium surcharge or premiums for
25 primary insurance under sections 44-2837 to 44-2839 are not paid to
26 the insurer within the time specified in subsection (3) of this
27 section, the qualification of the health care provider under
1 section 44-2824 shall be suspended until the annual premiums are
2 paid. Such suspension shall not be effective as to patients
3 claiming against the health care provider unless, at least thirty
4 days before the effective date of the suspension, a written notice
5 giving the date upon which the suspension becomes effective has
6 been provided by the director to the health care provider.

7 (6) The Director of Insurance, as administrator of the
8 fund, shall be responsible for legal defense of the fund. The
9 director, using money from the fund as deemed necessary,
10 appropriate, or desirable, may purchase the services of persons,
11 firms, and corporations to aid in protecting the fund against
12 claims. The Department of Justice shall not be responsible for
13 legal defense of the fund. All expenses of collecting, protecting,
14 and administering the fund shall be paid from the fund.

15 Sec. 4. Section 44-2831, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 44-2831. (1) The director may, at any time, analyze the
18 fund to determine if the amount in such fund is inadequate to pay
19 in full all claims allowed or to be allowed during the calendar
20 year. Upon such determination, the director shall have the power
21 to levy a special surcharge on all health care providers who have
22 qualified under the Nebraska Hospital-Medical Liability Act, which
23 special surcharge shall be an amount sufficient to permit full
24 payment of all claims allowed against the fund during a calendar
25 year. The special surcharge shall be levied against all health
26 care providers who have qualified under the Nebraska
27 Hospital-Medical Liability Act on the date of the special surcharge
1 or at any time during the preceding twelve months and shall be in
2 an amount proportionate to the surcharge each health care provider
3 has paid to the fund. Such special surcharge shall be due and
4 payable within thirty days after the same is levied. Such special
5 surcharge shall be collected by the health care provider's current
6 insurer, if the health care provider is currently qualified, or by
7 the health care provider's most recent insurer that provided
8 qualifying underlying coverage, if the health care provider is no
9 longer qualified.

10 (2) The director shall have authority to cause all or any
11 part of the potential liability of the Excess Liability Fund to be

12 reinsured, if such reinsurance is available, on a fair and
13 reasonable basis. The cost of such reinsurance shall be paid by
14 the fund and the fact of the reinsurance shall be taken into
15 account in determining the surcharge as provided in sections
16 44-2829 and 44-2830, but in no event shall the surcharge exceed
17 fifty percent of the annual premium paid by a health care provider
18 for maintenance of current financial responsibility.

19 Sec. 5. Section 44-2840, Revised Statutes Supplement,
20 2002, is amended to read:

21 44-2840. (1) Provision is hereby made for the
22 establishment of medical review panels to review all malpractice
23 claims against health care providers covered by the Nebraska
24 Hospital-Medical Liability Act in advance of filing such actions.
25 (2) No action against a health care provider may be
26 commenced in any court of this state before the claimant's proposed
27 complaint has been presented to a medical review panel established
1 pursuant to section 44-2841 and an opinion has been rendered by the
2 panel.

3 (3) The proceedings for action by the medical review
4 panel shall be initiated by the patient or his or her
5 representative by notice in writing with copy of a proposed
6 complaint served upon the director personally or by registered or
7 certified mail. Such notice shall designate the claimant's choice
8 of the physician to serve on the panel, claimant's suggestion of an
9 attorney to serve, and the court where the action shall be filed,
10 if necessary.

11 (4) The claimant may affirmatively waive his or her right
12 to a panel review, and in such case the claimant may proceed to
13 file his or her action directly in court. If the claimant waives
14 the panel review, the claimant shall serve a copy of the complaint
15 upon the director personally or by registered or certified mail at
16 the time the action is filed in court.

17 ~~(5) The exercise of the waiver authorized by this section~~
18 ~~shall not be subject to attack for the sole reason that the~~
19 ~~claimant served the director with the notice prescribed by~~
20 ~~subsection (3) of this section prior to July 10, 1984, if the~~
21 ~~requirements of sections 44-2840 to 44-2847 have not been fulfilled~~
22 ~~on such date.~~

23 Sec. 6. Section 44-2842, Revised Statutes Supplement,
24 2002, is amended to read:

25 44-2842. (1) The evidence to be considered by the
26 medical review panel shall be promptly submitted by the respective
27 parties in written form only. If any party to the proceedings
1 fails to submit his or her evidence within a reasonable time after
2 notice from the panel requesting such evidence, the panel may
3 proceed to decide the matter on the evidence previously submitted.
4 The determination of reasonable time shall be made by the panel.
5 The evidence submitted may consist of medical charts, X-rays,
6 laboratory test results, excerpts of treatises, depositions of

7 witnesses including parties, and any other form of evidence
8 allowable by the medical review panel.

9 (2) Depositions of parties and witnesses may be taken
10 prior to the convening of the panel and prior to the commencement
11 of the action, but in such event the attorney for the medical care
12 provider shall be furnished with a copy of the complaint which the
13 claimant proposes to file at least ten days before any deposition
14 is taken. The patient shall have the right to request and receive
15 all medical and hospital records relating to his or her case which
16 would be admissible in evidence in a court of law. The chairperson
17 of the panel shall advise the panel relative to any legal question
18 involved in the review proceeding and shall prepare the opinion of
19 the panel. A copy of the evidence shall be sent to each member of
20 the panel.

21 (3) Either party, after submission of all evidence and
22 upon ten days' notice to the other side, shall have the right to
23 convene the panel at a time and place agreeable to the members of
24 the panel. At such time either party shall have the right to
25 present argument concerning any matters relevant to issues to be
26 decided by the panel before the issuance of its report. The
27 chairperson of the panel shall preside at all meetings, which
1 meetings shall be informal.

2 (4) If the members of the medical review panel have not
3 convened within six months of the initiation of the proceeding, the
4 judge ~~shall have authority to order the panel to convene~~ may
5 ~~terminate the proceeding at the request of either party.~~

6 Sec. 7. (1) A person credentialed under the Uniform
7 Licensing Law to practice as a physician, osteopathic physician,
8 dentist, physician assistant, nurse, or physical therapist who,
9 without the expectation or receipt of monetary or other
10 compensation either directly or indirectly, provides professional
11 services as a volunteer in a free clinic or other facility operated
12 by a not-for-profit organization as defined in section 25-21,190,
13 an agency of the state, or any political subdivision shall be
14 immune from civil liability for any act or omission which results
15 in damage or injury unless such damage or injury was caused by the
16 willful or wanton act or omission of such practitioner.

17 (2) The individual immunity granted by subsection (1) of
18 this section shall not extend to any act or omission of such
19 practitioner which results in damage or injury if:

20 (a) The free clinic or other facility is operated by a
21 licensed hospital;

22 (b) The practitioner has been disciplined by the state
23 examining board having oversight over that practitioner in the
24 previous five years at the time of the act or omission causing
25 injury; or

26 (c) The damage or injury is caused by such practitioner

27 (i) during the operation of any motor vehicle, airplane, or boat or

1 (ii) while impaired by alcohol or any controlled substance

2 enumerated in section 28-405.

3 Sec. 8. Original sections 44-2825, 44-2827, 44-2829, and
4 44-2831, Reissue Revised Statutes of Nebraska, and sections 44-2840
5 and 44-2842, Revised Statutes Supplement, 2002, are repealed."

LEGISLATIVE BILL 162. Placed on General File as amended.
Standing Committee amendment to LB 162:
AM1203

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. (1) A person credentialed under the Uniform
- 4 Licensing Law to practice as a physician, osteopathic physician,
- 5 dentist, physician assistant, nurse, or physical therapist who,
- 6 without the expectation or receipt of monetary or other
- 7 compensation either directly or indirectly, provides professional
- 8 services as a volunteer in a free clinic or other facility operated
- 9 by a not-for-profit organization as defined in section 25-21,190,
- 10 an agency of the state, or any political subdivision shall be
- 11 immune from civil liability for any act or omission which results
- 12 in damage or injury unless such damage or injury was caused by the
- 13 willful or wanton act or omission of such practitioner.
- 14 (2) The individual immunity granted by subsection (1) of
- 15 this section shall not extend to any act or omission of such
- 16 practitioner which results in damage or injury if:
- 17 (a) The free clinic or other facility is operated by a
- 18 licensed hospital;
- 19 (b) The practitioner has been disciplined by the state
- 20 examining board having oversight over that practitioner in the
- 21 previous five years at the time of the act or omission causing
- 22 injury; or
- 23 (c) The damage or injury is caused by such practitioner
- 24 (i) during the operation of any motor vehicle, airplane, or boat or
- 1 (ii) while impaired by alcohol or any controlled substance
- 2 enumerated in section 28-405."

LEGISLATIVE BILL 179. Placed on General File as amended.
Standing Committee amendment to LB 179:
AM0900

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 29-3524, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-3524. Criminal justice agencies may assess reasonable
- 6 fees, not to exceed actual costs, for search, retrieval, storing,
- 7 maintaining, and copying of criminal justice records and may waive
- 8 fees at their discretion. When fees for certified copies or other
- 9 copies, printouts, or photographs of such records are specifically
- 10 prescribed by law, such specific fees shall apply. All fees
- 11 collected by the Nebraska State Patrol pursuant to this section

12 shall be ~~deposited in~~ remitted to the State Treasurer for credit to
 13 the Nebraska State Patrol Cash Fund.
 14 Sec. 2. Original section 29-3524, Reissue Revised
 15 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 271. Placed on General File as amended.
 Standing Committee amendment to LB 271:
 AM1138

- 1 1. On page 9, line 7, after the semicolon insert "and";
- 2 in lines 8 and 22, strike "or oral"; in line 9 after "proceeding"
- 3 insert "or to read his or her impact statement submitted pursuant
- 4 to subdivision (1)(d)(iv) of this section at the sentencing
- 5 proceeding"; and strike beginning with "and" in line 9 through line
- 6 10.
- 7 2. On page 15, line 22 strike "written"; and in line 23
- 8 strike "subdivision (1)(h) of".

LEGISLATIVE BILL 315. Placed on General File as amended.
 Standing Committee amendment to LB 315:
 AM1034

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 64-103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 64-103. When any person is appointed to the office of
- 5 notary public, the ~~Governor~~ Secretary of State shall cause his or
- 6 her signature or a facsimile thereof to be affixed to the
- 7 commission and ~~deliver the same to the Secretary of State. Upon~~
- 8 ~~the receipt of the commission by the secretary,~~ he or she shall
- 9 affix thereto the great seal of the state. Upon the filing and
- 10 approval of the bond, as provided for in section 64-102, the
- 11 Secretary of State shall mail or deliver the commission to the
- 12 applicant. The form and format of the commission shall be
- 13 prescribed by the Secretary of State, ~~on behalf of the Governor.~~"
- 14 2. On page 2, line 19; page 3, line 17; page 4, line 8;
- 15 page 8, lines 23 and 24; and page 9, lines 9, 12, and 14, strike
- 16 "Governor", show as stricken, and insert "Secretary of State".
- 17 3. On page 4, line 13, strike "twenty-five" and insert
- 18 "fifteen".
- 19 4. On page 5, line 5, strike "or" and insert "and".
- 20 5. On page 8, line 26, strike "Governor" and insert
- 21 "Secretary of State".
- 22 6. On page 11, line 5, strike "5 to 9" and insert "6 to
- 23 10"; and in line 6 after the last comma insert "64-103,".
- 24 7. Renumber the remaining sections and correct internal
- 1 references accordingly.

LEGISLATIVE BILL 602. Placed on General File as amended.
 Standing Committee amendment to LB 602:
 AM0971

- 1 1. Strike original sections 1 to 5 and insert the
2 following new sections:
3 "Section 1. Sections 1 to 5 of this act shall be known
4 and may be cited as the Human Cloning Prohibition Act.
5 Sec. 2. The intent of the Human Cloning Prohibition Act
6 is to ban all human cloning. The intent is not to restrict areas
7 of scientific research not specifically prohibited by the act,
8 including research in the use of nuclear transfer or other cloning
9 techniques to produce molecules, deoxyribonucleic acid, tissues,
10 organs, plants, cells other than human embryos, or animals other
11 than humans.
12 Sec. 3. For purposes of the Human Cloning Prohibition
13 Act:
14 (1) Asexual reproduction means reproduction not initiated
15 by the union of oocyte and sperm;
16 (2) Deliver means the actual, constructive, or attempted
17 transfer from one person to another;
18 (3) Human cloning means human asexual reproduction
19 accomplished by introducing nuclear material from one or more human
20 somatic cells into a fertilized or unfertilized oocyte whose
21 nuclear material has been removed or inactivated so as to produce a
22 living organism, at any stage of development, that is genetically
23 virtually identical to an existing or previously existing human
24 organism; and
1 (4) Somatic cell means a diploid cell, having a complete
2 set of chromosomes, obtained or derived from a living or deceased
3 human body at any stage of development.
4 Sec. 4. No person shall knowingly:
5 (1) Perform human cloning;
6 (2) Derive any product from human cloning; or
7 (3) Deliver or receive any embryo produced by or from
8 human cloning.
9 Sec. 5. Any person violating the Human Cloning
10 Prohibition Act is guilty of a Class IV felony."

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Senators Bourne and Byars filed the following amendment to LB 513:
AM1193

- 1 1. On page 2, line 23, after "(3)" insert "If the
2 postsecondary educational institution provides information to the
3 enrolled person, or the enrolled person's parent or guardian if the
4 enrolled person is a minor, it shall include information on the
5 availability of an indigent patient fund to assist qualified
6 persons with the cost of the vaccine.
7 (4)".

Senator Brashear filed the following amendment to LB 303:
AM1198

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 17, after line 15, insert the following new
2 subsection:
3 "(5) Notwithstanding any other provision of law, and to
4 the fullest extent compatible with applicable federal law, a person
5 who is exempt from subsection (1) of this section shall not be
6 eligible for any benefit provided by this state related to health
7 care, rehabilitation, long-term care, or any other service made
8 necessary as a result of any injury sustained while operating or as
9 a passenger on a motorcycle or moped on any highway of this state
10 without wearing a protective helmet as provided in subsection (1)
11 of this section.".

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 160:
Bracket until May 31, 2003.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LR 11CA. No objections. So ordered.

ADJOURNMENT

At 3:58 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 8, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 8, 2003

PRAYER

The prayer was offered by Pastor Teyrl T. "Terry" Otto, United Methodist Churches, Albion and Loretto, 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 Beutler, Erdman, Maxwell, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 513. Title read. Considered.

Senator Bourne withdrew the Bourne-Byars pending amendment, AM0970, found on page 1031.

Senator Bourne renewed the Bourne-Byars pending amendment, AM1193, found on page 1182.

The Bourne-Byars amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 726, 756, and 756A.

ER9046

Enrollment and Review Change to LB 726

The following changes, required to be reported for publication in the Journal, have been made:

1. The following new section has been inserted:

"Section 1. Section 81-1245, Reissue Revised Statutes of Nebraska, is amended to read:

81-1245. The purposes of the Nebraska Visitors Development Act are (1) to create a fund for general promotional activity, solicitation, and an operating program to attract visitors to Nebraska and further the use of travel and tourism facilities in Nebraska, (2) to provide for a lodging tax on hotels for the purpose of establishing a State Visitors Promotion Cash Fund, and (3) to authorize the governing body of any county to appoint a visitors committee and impose a lodging tax on hotels for the purpose of establishing a County Visitors Promotion Fund and; ~~in certain counties~~, a County Visitors Improvement Fund."

2. In the E & R amendments, AM7085:

a. Sections 1, 2, and 3 have been renumbered as sections 2, 3, and 4, respectively; and

b. On page 3, line 9, "81-1254" has been struck and "81-1245, 81-1254," inserted.

3. On page 1, line 2, "81-1254" has been struck and "81-1245, 81-1254," inserted.

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 265A. 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 265, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

STANDING COMMITTEE REPORTS**Judiciary**

LEGISLATIVE BILL 454. Placed on General File.

LEGISLATIVE BILL 566. Placed on General File as amended.
Standing Committee amendment to LB 566:
AM1204

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. For purposes of sections 1 to 3 of this act:
- 4 (1) Deliver means the actual, constructive, or attempted
- 5 transfer from one person to another;
- 6 (2) Destructive research means medical procedures,
- 7 scientific or laboratory research, or other kinds of investigation
- 8 that destroy or injure a human embryo. Destructive research does
- 9 not include any stage of in vitro fertilization, human embryo
- 10 transfer to a woman's body, or any diagnostic test that may assist
- 11 in the future care of the human embryo during any state of in vitro
- 12 fertilization;
- 13 (3) Gamete means a human sperm or an unfertilized human
- 14 ovum; and
- 15 (4) Human embryo means a living organism of the species
- 16 Homo sapiens from the single-celled zygotic stage to eight weeks'
- 17 development not within the body of a woman.
- 18 Sec. 2. (1) No person employed by the state or any
- 19 agency or political subdivision of the state shall, within the
- 20 scope of his or her employment, (a) conduct destructive research;
- 21 (b) deliver or receive a human embryo with the knowledge that the
- 22 human embryo will be subjected to destructive research; or (c)
- 23 deliver or receive gametes with the knowledge that a human embryo
- 24 will be produced from the gametes for the purpose of using the
- 1 human embryo for destructive research.
- 2 (2) No public institution, public facility, public
- 3 equipment, or other physical asset owned, leased, or otherwise
- 4 controlled by the state or any agency or political subdivision of
- 5 the state shall be used for conducting destructive research.
- 6 (3) No funds received or controlled by the state or any
- 7 agency or political subdivision of the state, including, but not
- 8 limited to, funds from federal, state, or local taxes, gifts, or
- 9 grants from any source, public or private, shall be used for
- 10 conducting destructive research. Funds used for (a) the operation
- 11 or maintenance of facilities or equipment used for conducting
- 12 destructive research or (b) supporting personnel performing
- 13 administrative or clerical functions on behalf of individuals
- 14 engaged in the conduct of destructive research shall be considered
- 15 used for conducting destructive research.
- 16 (4) The prohibitions in this section shall not apply to
- 17 use by private entities of physical assets or facilities provided
- 18 to the public at large such as utilities, including water supplies.
- 19 Sec. 3. The Attorney General may maintain an action in
- 20 district court against any person or entity who has violated
- 21 section 2 of this act to obtain an injunction against future

22 violations of such section or for civil contempt against any person
 23 or entity who has intentionally violated an injunction issued in
 24 accordance with this section. If judgment is rendered in favor of
 25 the defendant and the court finds that the suit by the Attorney
 26 General was frivolous and brought in bad faith, the court shall
 27 also render judgment for reasonable attorney's fees in favor of the
 1 defendant against the Attorney General."

LEGISLATIVE BILL 593. Placed on General File as amended.
 Standing Committee amendment to LB 593:
 AM0901

- 1 1. On page 2, lines 14 through 16, strike the new
- 2 matter.

LEGISLATIVE BILL 655. Placed on General File as amended.
 Standing Committee amendment to LB 655:
 AM1201

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 52-131, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 52-131. (1) A person who furnishes services or materials
- 6 pursuant to a real estate improvement contract has a construction
- 7 lien, only to the extent provided in ~~sections 52-125 to 52-159~~ the
- 8 Nebraska Construction Lien Act, to secure the payment of his or her
- 9 contract price.
- 10 (2) A lien arises under ~~sections 52-125 to 52-159~~ the act
- 11 only if the claimant records a lien within the time specified by
- 12 section 52-137.
- 13 (3) Real estate to which a construction lien attaches is
- 14 specified by section 52-133, and limitations on the existence of a
- 15 lien for materials are specified by section 52-134.
- 16 (4) The amount of a claimant's lien is specified by
- 17 section 52-136. The content of the notice of the right to assert a
- 18 lien liability to be given to the owner under section 52-136 is
- 19 specified by section 52-135.
- 20 (5) The priority of a claimant's lien as against other
- 21 construction-lien claimants is specified in section 52-138, and
- 22 priority as against claimants other than construction-lien
- 23 claimants is specified in section 52-139.
- 24 (6) Foreclosure of a lien under ~~sections 52-125 to 52-159~~
- 1 the act is governed by section 52-155, and the time within which an
- 2 action to foreclose must be brought by section 52-140.
- 3 Sec. 2. Section 52-135, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 52-135. (1) At any time after a claimant has entered
- 6 into the contract under which he or she may claim a lien under
- 7 ~~sections 52-125 to 52-159~~ the Nebraska Construction Lien Act, he or
- 8 she may give a notice of the right to assert a lien liability to

9 the contracting owner. The notice of the right to assert a lien
10 ~~liability~~ must be in writing, state that it is a notice of a right
11 to assert a lien against real estate for services or materials
12 furnished in connection with improvement of the real estate, and
13 contain:

14 (a) The name of the claimant and the address to which the
15 owner or others may send communications to the claimant;

16 (b) The name and address of the person with whom the
17 claimant contracted;

18 (c) The name of the owner against whom a lien is or may
19 be claimed;

20 (d) A general description of the services or materials
21 provided or to be provided;

22 (e) A description sufficient to identify the real estate
23 against which the lien is or may be claimed;

24 (f) A statement that the claimant ~~has recorded a lien and~~
25 ~~the date of recording or, if the lien has not been recorded, a~~
26 ~~statement that the claimant~~ is entitled to record a lien;

27 (g) The amount unpaid to the claimant for services or
1 materials, whether or not due, or if no amount is fixed by the
2 contract, a good faith estimate of the amount designated as an
3 estimate; and

4 (h) The following statement in type no smaller than that
5 used in providing the information required by subdivisions (1)(a)
6 ~~to through~~ (1)(g) of this subsection:

7 Warning. If you did not contract with the person giving
8 this notice, any future payments you make in connection with this
9 project may subject you to double liability.

10 (2) A claimant may notify the contracting owner, either
11 in the notice of the right to assert a lien ~~liability~~ or
12 separately, that the claimant must be notified of the recording of
13 any termination of the notice of commencement. The notice to the
14 owner must be in writing and, if not part of the notice of the
15 right to assert a lien, ~~liability~~, shall contain the information
16 specified in subdivisions (1)(a) ~~to through~~ (1)(e) of this section.
17 In addition, the notice shall state that a written notice of the
18 recording of any notice of termination must be given to the
19 claimant at least three weeks before the effective date of the
20 notice of termination.

21 (3) The claimant shall send a copy of a recorded lien to
22 the contracting owner within ten days after recording, and the
23 recording shall be within the time specified for the filing of
24 liens under section 52-137.

25 (4) If the contracting owner has held out another person
26 as contracting owner, either by naming that person in the notice of
27 commencement or otherwise, a notice directed to and received by
1 that person is effective against the contracting owner.

2 (4) (5) If the contracting owner has held out a
3 fictitious or nonexisting person as contracting owner either by

4 naming that person in the notice of commencement or otherwise, a
5 notice to that fictitious or nonexistent person delivered at an
6 address held out by the contracting owner as the address of the
7 fictitious or nonexistent person is effective against the
8 contracting owner.

9 ~~(5)~~ (6) This section shall apply to a lien claimant only
10 when the contracting owner is a protected party.

11 Sec. 3. Section 52-136, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 52-136. (1) Subject to subsection (3) of this section:

14 (a) The lien of a prime contractor is for the unpaid part
15 of his or her contract price; and

16 (b) Except as against a protected party contracting
17 owner, the lien of a claimant other than a prime contractor is for
18 the amount unpaid under the claimant's contract.

19 (2) Except as modified by subsections (4) and (5) of this
20 section, as against a protected party contracting owner, the lien
21 of a claimant other than a prime contractor is for the lesser of:

22 (a) The amount unpaid under the claimant's contract; or

23 (b) The amount unpaid under the prime contract through
24 which the claimant claims at the time the contracting owner
25 receives the claimant's notice of the right to assert a lien.
26 ~~liability.~~

27 (3) The lien of a claimant is reduced by the sum of the
1 liens of claimants who claim through him or her.

2 (4) If a protected party contracting owner's lien
3 liability under a particular prime contract as provided in
4 subsection (5) of this section is less than the sum of claims of
5 all claimants claiming through that particular prime contractor:

6 (a) Lien claimants whose liens attach at different times
7 have liens in the order of attachment until the owner's lien
8 liability is exhausted; and

9 (b) Among claimants whose liens attach, or may attach, at
10 the same time, each claimant's lien is for his or her pro rata
11 portion of the amount of the contracting owner's lien liability to
12 claimants whose liens attach at that time.

13 (5) A protected party contracting owner's lien liability
14 under a particular prime contract is the prime contract price less
15 payments properly made thereon. A payment is properly made on a
16 prime contract to the extent that the payment:

17 (a) Is made in good faith before the receipt by the
18 contracting owner of a copy of a recorded lien or of a notice of
19 the right to assert a lien; ~~liability~~; or

20 (b) If made after receipt by the contracting owner of a
21 copy of a recorded lien or of a notice of the right to assert a
22 lien, ~~liability~~, is made in good faith and leaves unpaid a part of
23 the prime contract price sufficient to satisfy the unpaid claims of
24 all claimants who have provided a copy of a recorded lien or who
25 have given notice of the right to assert a lien ~~liability~~ and whose

26 claims are not being satisfied by the payment.

27 Sec. 4. Section 52-201, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 52-201. (1) Any person who makes, alters, repairs, or in
3 any way enhances the value of any vehicle, automobile, machinery,
4 farm implement, or tool, or shoes a horse or ~~horses~~, or mule or
5 ~~mules~~, at the request of or with the consent of the owner, or
6 owners thereof, shall have a lien on such vehicle, automobile,
7 machinery, farm implement, or tool, or horse or ~~horses~~, mule or
8 ~~mules~~, while in his such person's possession, for his the
9 reasonable or agreed charges for the work done or material
10 furnished, and shall have the right to retain such property until
11 such charges are paid.

12 (2) Any person who exercises the right to retain such
13 property shall not assess any additional fee beyond the reasonable
14 or agreed charges for the work done or material furnished unless
15 the person first sends, by certified mail, (a) a notice of
16 possession of such property, intent to assess an additional
17 reasonable fee beginning with the date that the notice is sent, and
18 the amount or rate of the additional reasonable fee to the owner or
19 owners for whom the work was performed and (b) a copy of such
20 notice to any lienholder noted on the certificate of title if
21 applicable.

22 Sec. 5. Section 70-641, Reissue Revised Statutes of

23 Nebraska, is amended to read:

24 70-641. All provisions of section 52-118, with reference
25 to contractors' bonds, shall be applicable and effective as to any
26 contract let pursuant to the provisions of sections 70-637 to
27 70-640, except that with respect to any electric generating
1 facility, the penal sum of any contractor's bond shall be the
2 lesser of the contract amount or two hundred million dollars. The
3 bond required by section 52-118 may be satisfied by a corporate
4 surety or letter of credit, or combination thereof, approved by the
5 district.

6 Sec. 6. Original sections 52-131, 52-135, 52-136,
7 52-201, and 70-641, Reissue Revised Statutes of Nebraska, are
8 repealed."

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 513. Senator Chambers offered the following motion:

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Chambers offered the following amendment:

FA1269

Strike original provisions and insert. "Every postsecondary educational institution shall provide to every enrolled student detailed information on the risks associated with meningococcal disease and the availability and effectiveness of any vaccine."

Senators Aguilar and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senators Cudaback, Engel, and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Redfield offered the following amendment to the Chambers pending amendment:

FA1283

Amend FA1269

In line 1, after "every" insert "secondary and"

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 66 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 66.

GENERAL FILE

LEGISLATIVE BILL 513. The Redfield pending amendment, FA1283, found in this day's Journal, to the Chambers pending amendment, FA1269, found in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Redfield amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Byars asked unanimous consent to bracket LB 513 until April 22, 2003. No objections. So ordered.

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

LEGISLATIVE BILL 303. Title read. Considered.

The Standing Committee amendment, AM0159, printed separately and referred to on page 502, was considered.

Senator Brown renewed her pending amendment, FA1195, found on page 834, to the Standing Committee amendment.

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

SENATOR CUDABACK PRESIDING

Senators Bromm and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MOTIONS - Print in Journal

Senator Beutler filed the following motion to LB 762:
Indefinitely postpone.

Senator Beutler filed the following motion to LB 762:
Bracket LB 762 to April 1, 2004.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendments to LB 762:
FA1270
Strike Section 1.

FA1271
Strike Section 2.

FA1272
Strike Section 3.

FA1273
Strike Section 4.

FA1274
Strike Section 5.

FA1275

Strike Section 6.

FA1276

Strike Section 7.

FA1277

Strike Section 8.

FA1278

Strike Section 9.

FA1279

Strike Section 10.

FA1280

Strike Section 11.

FA1281

Strike Section 12.

FA1282

Strike Section 13.

VISITORS

Visitors to the Chamber were 16 fourth-grade students and teachers from St. Mary's School, Lincoln; 50 nursing students and faculty from Creighton University, Omaha; David Trovato from Omaha; and 64 fourth-grade students and teachers from Field Club School, Omaha.

RECESS

At 11:58 a.m., on a motion by Senator Hartnett, 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 Friend who was excused; and Senators Combs, Engel, and Price who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 303. The Brown pending amendment, FA1195,

found on page 834 and considered in this day's Journal, to the Standing Committee amendment, 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, 0 nays, and 24 not voting.

Senator Brown moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Brown requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Beutler	Foley	Kruse	Pederson, D.	Synowiecki
Bromm	Hartnett	Maxwell	Preister	Thompson
Brown	Janssen	Mines	Raikes	Wehrbein
Byars	Jensen	Pedersen, Dw.	Schimek	

Voting in the negative, 19:

Aguilar	Connealy	Jones	Mossey	Stuhr
Baker	Cunningham	Kremer	Quandahl	Stuthman
Bourne	Erdman	Landis	Redfield	Tyson
Burling	Hudkins	Louden	Smith	

Present and not voting, 6:

Chambers	Johnson	Schrock
Cudaback	McDonald	Vrtiska

Excused and not voting, 5:

Brashear	Combs	Engel	Friend	Price

The Brown amendment lost with 19 ayes, 19 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Dw. Pedersen renewed his pending amendment, AM0789, found on page 842, to the Standing Committee amendment.

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

SPEAKER BROMM PRESIDING

Senators Aguilar and Jones 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, 0 nays, and 24 not voting.

The Dw. Pedersen amendment lost with 11 ayes, 22 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 249:
AM1105

(Amendments to Standing Committee amendments, AM0931)

- 1 1. Insert the following new section:
- 2 "Sec. 12. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 6, line 7, after "the" insert "maximum".

MOTIONS - Print in Journal

Senator Brashear filed the following motion to LB 762:

To suspend Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 762 without further amendment or debate.

Senator Brashear filed the following motion to LB 762:

To suspend Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 762 without further amendment or debate.

Senator Brashear filed the following motion to LB 762:

To suspend Rule 6, Sections 6, 7 and 8, and Rule 7, Sections 3 and 7 so as to allow for final reading of LB 762 without further consideration of amendments.

AMENDMENTS - Print in Journal

Senator Tyson filed the following amendment to LB 724:
AM1222

(Amendments to Standing Committee amendments, AM1031)

- 1 1. On page 3, strike lines 21 through 26; and in line 27
- 2 strike "(2)" and insert "(1)" and strike "or elimination".
- 3 2. On page 4, line 3, strike "(3)" and insert "(2)".

Senator Landis filed the following amendment to LB 148:
AM1197

(Amendments to AM0897)

- 1 1. On page 10, strike beginning with "the" in line 7
2 through "not" in line 8 and insert "nor the child and one parent,
3 nor the child and a person acting as a parent".

GENERAL FILE

LEGISLATIVE BILL 303. Senator Smith renewed his pending amendment, AM1041, found on page 1083, to the Standing Committee amendment.

The Smith amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

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

AM1215

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 16, line 2, strike "subsections (2) and (3)"
2 and insert "subsection (2)"; and strike beginning with "Except" in
3 line 16 through "a" in line 17 and insert "A".
- 4 2. On page 17, strike beginning with "A" in line 7
5 through "(4)" in line 12.

SENATOR CUDABACK PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendments to LB 743:

AM1226

(Amendments to Standing Committee amendments, AM0715)

- 1 1. On page 2, line 12, strike "Telephone" and insert
2 "For purposes of section 3 of this act only, telephone"; and in
3 line 19 after "minor" insert "if the communication is made solely".

AM1223

(Amendments to Standing Committee amendments, AM0715)

- 1 1. On page 4, line 23, after "be" insert ", prior to
2 January 1, 2005,"; and in line 27 after the period insert "On and
3 after January 1, 2005, the fees shall be as determined by the
4 commission in accordance with subsection (3) of this section.".

AM1224

(Amendments to Standing Committee amendments, AM0715)

- 1 1. On page 6, line 14, after "action" insert "against

2 such person or entity" and strike "such violation" and insert
3 "future violations of such sections"; and strike beginning with
4 "receive" in line 16 through line 18 and insert "require the
5 payment of a penalty of up to eleven thousand dollars for each such
6 knowing violation to the county where such penalty is imposed in
7 accordance with Article VII, section 5, of the Constitution of
8 Nebraska, or may bring an action seeking any or all of such
9 relief.".

AM1225

(Amendments to Standing Committee amendments, AM0715)

- 1 1. On page 13, line 25, strike "eleven thousand" and
- 2 insert "two thousand five hundred".

VISITORS

Visitors to the Chamber were 40 kindergartners and sponsors from Sutton; and Marlo and Sharon Kreutzer from Funk.

The Doctor of the Day was Dr. Rusty Hilliard from Kearney.

ADJOURNMENT

At 3:57 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 9, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 9, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 9, 2003

PRAYER

The prayer was offered by Senator Jones.

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 Maxwell, Dw. Pedersen, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 303. Senator Beutler renewed his pending amendment, AM1215, found on page 1197, to the Standing Committee amendment.

Senators Aguilar, Bourne, and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR SCHIMEK PRESIDING

Senators Cudaback and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

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

AM1214

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 16, line 27, after "foundation" insert "and

2 approved by the Department of Motor Vehicles".

Senator Beutler withdrew his amendment.

Senator Brashear renewed his pending amendment, AM1198, found on page 1183, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

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

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator Erdman moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

Aguilar	Foley	Landis	Redfield	Tyson
Bromm	Hudkins	Mines	Schrock	Vrtiska
Burling	Jones	Mossey	Smith	
Combs	Kremer	Quandahl	Stuhr	
Erdman	Kruse	Raikes	Stuthman	

Voting in the negative, 10:

Brashear	Byars	Janssen	Preister	Schimek
Brown	Chambers	Johnson	Price	Thompson

Present and not voting, 14:

Baker	Connealy	Engel	Jensen	McDonald
Beutler	Cudaback	Friend	Louden	Synowiecki
Bourne	Cunningham	Hartnett	Maxwell	

Excused and not voting, 3:

Pedersen, Dw. Pederson, D. Wehrbein

The motion to cease debate failed with 22 ayes, 10 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brashear withdrew his amendment.

Senators Raikes and Vrtiska offered the following amendment to the Standing Committee amendment:

AM1227

(Amendments to Standing Committee amendments, AM0159)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Enforcement of section 60-6,279 by state or
- 4 local law enforcement agencies shall be accomplished only as a
- 5 secondary action when a driver of a motor vehicle has been cited or
- 6 charged with a violation or some other offense.
- 7 Sec. 2. Section 60-601, Revised Statutes Supplement,
- 8 2002, is amended to read:
- 9 60-601. Sections 60-601 to 60-6,377 and section 1 of
- 10 this act shall be known and may be cited as the Nebraska Rules of
- 11 the Road.
- 12 Sec. 3. Original section 60-601, Revised Statutes
- 13 Supplement, 2002, is repealed."

Senators Brashear, Bromm, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Raikes withdrew the Raikes-Vrtiska amendment.

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

AM1234

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 17, line 8, after "(b)" insert "had a Class M
- 2 license prior to June 1, 2003, (c)"; and in line 9 strike "(c)" and
- 3 insert "(d)".

The Smith amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

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

AM1220

(Amendments to Standing Committee amendments, AM0159)

- 1 1. Strike sections 6 and 7 and insert the following new
- 2 section:
- 3 "Sec. 6. Section 60-6,279, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,279. A person shall not operate or be a passenger
- 6 on a motorcycle or moped on any highway in this state unless such
- 7 person (1) is wearing a protective helmet of the type and design
- 8 manufactured for use by operators of such vehicles and unless such
- 9 helmet is secured properly on his or her head with a chin strap
- 10 while the vehicle is in motion and (2) carries proof of successful

11 completion of (a) prior to January 1, 2005, a motorcycle safety
12 course under the Motorcycle Safety Education Act and (b) on and
13 after January 1, 2005, a motorcycle safety course under the
14 Motorcycle Safety and Training Act. Proof of completion of a
15 motorcycle safety course provided by a nationally recognized
16 motorcycle safety foundation shall meet the requirements of a
17 course for purposes of this section. All such protective helmets
18 shall be designed to reduce injuries to the user resulting from
19 head impacts and shall be designed to protect the user by remaining
20 on the user's head, deflecting blows, resisting penetration, and
21 spreading the force of impact. Each such helmet shall consist of
22 lining, padding, and chin strap and shall meet or exceed the
23 standards established in the United States Department of
1 Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
2 C.F.R. 571.218, for motorcycle helmets."
3 2. Renumber the remaining sections, correct the
4 repealer, and correct the operative date section so that the
5 section added by this amendment becomes operative on January 1,
6 2005.

Senator Schimek withdrew her amendment.

Senator Beutler offered the following amendment to the Standing Committee amendment:
AM1238

(Amendments to Standing Committee amendments, AM0159)

- 1 1. On page 17, line 12, strike "Enforcement" and insert
- 2 "Except for the eye protection requirements of this section,
- 3 enforcement".

The Beutler amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, AM0159, printed separately and referred to on page 502 and considered on page 1193, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Senator Smith moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 26:

Aguilar	Connealy	Jones	Quandahl	Tyson
Baker	Cudaback	Kremer	Redfield	Vrtiska
Bourne	Cunningham	Louden	Schrock	
Burling	Erdman	McDonald	Smith	
Chambers	Friend	Mines	Stuhr	
Combs	Hudkins	Mossey	Stuthman	

Voting in the negative, 12:

Byars	Jensen	Price	Synowiecki
Foley	Johnson	Raikes	Thompson
Janssen	Kruse	Schimek	Wehrbein

Present and not voting, 6:

Beutler	Engel	Maxwell
Brown	Hartnett	Preister

Excused and not voting, 5:

Brashear	Bromm	Landis	Pedersen, Dw. Pederson, D.

Advanced to E & R for review with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT

Executive Board

LEGISLATIVE BILL 598. Placed on General File as amended.

Standing Committee amendment to LB 598:

AM0783

- 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 repeal Article III section 12:
- 8 "Article III, section 12, of the Constitution of Nebraska
- 9 is repealed."
- 10 Sec. 2. The proposed amendment shall be submitted to the
- 11 electors in the manner prescribed by the Constitution of Nebraska,
- 12 Article XVI, section 1, with the following ballot language:
- 13 "A constitutional amendment to repeal term limits for
- 14 state legislators.
- 15 For

16 Against".

(Signed) L. Patrick Engel, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 608A. 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 608, Ninety-eighth Legislature, First Session, 2003.

VISITORS

Visitors to the Chamber were 18 seniors and sponsor from Johnson-Brock High School; 27 fourth-grade students and teacher from Stanton; 25 fourth-grade students and teacher from Central Christian School, Omaha; and 31 fourth-grade students and teachers from Conestoga Elementary School, Omaha.

RECESS

At 12:10 p.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 Senators Engel, Hartnett, and D. Pederson who were excused until they arrive.

SENATOR SCHIMEK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 743. Title read. Considered.

The Standing Committee amendment, AM0715, printed separately and referred to on page 817, was considered.

Senator Brashear withdrew his pending amendments, AM1226, AM1223, AM1224, and AM1225, found on pages 1197 and 1198.

Senator Beutler offered the following amendment to the Standing

Committee amendment:

FA1298

(Amendments to Standing Committee amendments, AM0715)

- 1 1. Strike sections 8 and insert the following new
- 2 section:
- 3 "Sec. 8. The commission may initiate proceedings, on its
- 4 own motion, relating to a knowing violation or threatened knowing
- 5 violation of section 3 or 7 of this act. Such proceedings may
- 6 include, without limitation, proceedings to issue a cease and
- 7 desist order, to issue an order imposing a civil penalty of up to
- 8 seven thousand dollars for each knowing violation, and to seek
- 9 additional relief in any district court of competent jurisdiction.
- 10 Such actions shall be brought in the name of the state. The
- 11 commission is authorized to issue investigative demands, issue
- 12 subpoenas, administer oaths, and conduct hearings in the course of
- 13 investigating a violation of section 3 or 7 of this act. Sections
- 14 75-131 to 75-135 and 75-156 shall apply to proceedings initiated by
- 15 the commission under this section.".
- 2 5. Renumber the remaining sections and correct internal
- 3 references accordingly.

SPEAKER BROMM PRESIDING

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.

The Beutler amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senators Dw. Pedersen and Schimek filed the following amendment to LB 46:

(Amendment, AM0819, is printed separately and available in the Bill Room, Room 1104.)

Senator Hudkins filed the following amendment to LB 439:

AM1106

(Amendments to Standing Committee amendments, AM0708)

- 1 1. Insert the following new amendments:
- 2 "1. Insert the following new sections:
- 3 "Section 1. Section 81-1101, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1101. The purposes of sections 11-119, 81-106,
- 6 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and 84-304 and
- 7 section 8 of this act are to:

8 (1) Provide for the development and maintenance of a
9 modern system of budgetary, inventory, and financial accounting;

10 (2) Provide for development and maintenance of such
11 modern and economical methods and systems for record keeping,
12 accounting, expenditure planning and control as may be possible
13 through timely adoption of modern technological developments;

14 (3) Provide for centralized direction of services and
15 service agencies;

16 (4) Assure the development and operation of
17 organizational and procedural innovations as may be expected to
18 provide acceptable internal control of the handling and processing
19 of public funds; and

20 (5) Focus responsibility for execution of the financial
21 policies of this state on the chief executive and provide
22 assistants having the necessary technical skills for the
23 achievement of that end.

1 Sec. 2. Section 81-1102, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1102. For purposes of sections 11-119, 81-106,
4 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and 84-304 and
5 section 8 of this act, unless the context otherwise requires:

6 (1) Gender with reference to the masculine or feminine
7 gender shall be construed to apply to either or both genders;

8 (2) Executive budget shall mean the budget proposed by
9 the Governor to the Legislature as the basis of appropriations for
10 the operation of and capital outlay by state government during the
11 period covered by such budget;

12 (3) Approved budget shall mean the executive or
13 Governor's budget as modified by appropriations actions of the
14 Legislature;

15 (4) Budgetary allotments shall mean the plan of
16 expenditures, by program, subprogram, activity, or object of
17 expenditure under the approved budget for monthly or other
18 applicable periods of time within each fiscal year, to which a
19 department or agency may be held during such period of time within
20 the fiscal year;

21 (5) Accrual system shall mean the recording of revenue
22 when earned and the recording of expenditures as soon as they
23 result in liabilities, notwithstanding the fact that the receipt of
24 the revenue or payment of the expenditure may take place, in whole
25 or in part, in another accounting period;

26 (6) Double entry system shall mean a system of
27 bookkeeping which requires for every entry made to the debit side
1 of an account or accounts an entry for a corresponding amount or
2 amounts to the credit side of another account or accounts resulting
3 in a self-balancing accounting system;

4 (7) Disbursement shall mean payment from the state
5 treasury;

6 (8) Expenditure shall mean, when an accrual system has

7 been established, total liability incurred by contract, purchase
8 order, or payroll commitments or as otherwise provided by law,
9 whether or not related disbursement has been made from the state
10 treasury, and shall mean, until an accrual system has been
11 established, disbursements from the state treasury;

12 (9) Revenue shall mean, when an accrual system has been
13 established, additions to assets which do not increase any
14 liability or represent the recovery of an expenditure or
15 disbursement or any part thereof or the cancellation of liabilities
16 without a corresponding increase in other liabilities or a decrease
17 in assets. Until an accrual system has been established, this term
18 shall mean additions to cash in the state treasury or for deposit
19 in the state treasury only;

20 (10) Receipts shall mean cash received, unless otherwise
21 qualified;

22 (11) Budgetary accounting shall mean a system of accounts
23 designed to reflect budget operations and conditions such as
24 estimated revenue, appropriations, and encumbrances as distinct
25 from proprietary accounts designed to show the status of the
26 assets, liabilities, and surplus of the state and its departments
27 and agencies;

1 (12) Encumbrances shall mean charges to appropriation
2 accounts to reflect obligations for which a part of the
3 appropriation is reserved and which shall cease to be encumbrances
4 when paid or when an actual liability is established in a
5 proprietary account;

6 (13) Financing agreement shall mean any bond,
7 lease-purchase obligation, installment sales contract, or similar
8 financial arrangement, for a period greater than one year, which is
9 entered into by the state or any agency, board, or commission
10 thereof, not including the University of Nebraska or state
11 colleges, in accordance with the Constitution of Nebraska and
12 statutes of this state, relating to capital construction, real
13 property acquisition, and personal property acquisition;

14 (14) Proprietary account shall mean those accounts
15 designed to show actual financial position and operations such as
16 actual assets, liabilities, surplus, revenue, and expenditures, as
17 distinguished from budgetary accounts;

18 (15) Program shall mean a major operation of the state
19 government directed toward the achievement of a definite legal
20 objective and which, in most instances, could be carried on
21 independently of other major operations of the state as defined and
22 described in the accounting and budgeting manuals on file in the
23 office of the Director of Administrative Services;

24 (16) Subprogram shall mean one or more operations of a
25 department or agency of the state designed jointly to accomplish a
26 major program objective as defined in the accounting and budgeting
27 manuals on file in the office of the Director of Administrative
1 Services;

- 2 (17) Activity shall mean one or more operations of a
3 department or agency of the state designed jointly to accomplish
4 the objective of a subprogram to which it is related as defined in
5 the accounting and budgeting manual on file in the office of the
6 Director of Administrative Services;
- 7 (18) Staffing pattern shall mean the number of positions
8 in each class and the specific classes of positions as may be
9 authorized for each department or agency for such department or
10 agency programs, subprograms, and activities;
- 11 (19) Approved project shall mean any acquisition of land
12 or buildings, any construction or major remodeling of new or newly
13 acquired buildings or structures or of existing state-owned
14 buildings or structures, excluding state highways or state roads or
15 aeronautical projects, or any additions to buildings or structures
16 of land owned by the state or its departments or agencies for which
17 an appropriation or other act of the Legislature makes provision;
- 18 (20) Machine time shall mean the hours or fractions
19 thereof of operation of each component of a machine data processing
20 system together with the hours or fractions thereof of machine
21 operator time for each such component devoted to the production of
22 a report or tabulation or the processing of data necessary to such
23 production and shall also include a proportional reflection of the
24 hours or fractions thereof of supervisory time so that all costs of
25 operation of the information management services division may be
26 reflected in billings to benefiting departments or agencies;
- 27 (21) Budget request shall mean the complete recitation,
1 on forms prescribed by the budget division and in the manner
2 prescribed by such division, of the operating and construction
3 funds requests of a department or agency for the biennium next
4 following the then current biennium;
- 5 (22) Department shall mean the Department of
6 Administrative Services; and
- 7 (23) Director shall mean the Director of Administrative
8 Services.
- 9 Sec. 3. Section 81-1108, Revised Statutes Supplement,
10 2002, is amended to read:
- 11 81-1108. The Department of Administrative Services shall
12 fulfill the functions in the administration of state government of
13 fiscal control, of centralizing services, of personnel services,
14 and of risk management. There shall be separate divisions within
15 the department to assist in fulfilling these functions. The
16 divisions shall be the accounting division and the budget division
17 in the area of fiscal control, the information management services
18 division, materiel division, state building division, and division
19 of communications in the area of centralized services, the
20 personnel division and the Division of Employee Relations in the
21 area of personnel services, and the risk management and state
22 claims division in the area of risk management. The Director of
23 Administrative Services shall appoint a separate administrator as

24 head of each division other than the Division of Employee
25 Relations. The director shall have the responsibility and
26 authority for directing and coordinating the programs and
27 activities of the several divisions and shall be empowered to
1 remove the administrators of any of the several divisions other
2 than the Chief Negotiator at his or her discretion. The director
3 shall have the power to delegate authority for administration of
4 sections 81-1101 to 81-1189 and 81-1301 to 81-1391 and section 8 of
5 this act and the Risk Management Program to any of the division
6 heads as he or she may deem appropriate except as otherwise
7 provided by law.

8 Sec. 6. Section 81-1108.22, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1108.22. (1) The division shall have the
11 responsibility of providing office space in leased and state-owned
12 buildings in the proximity of the State Capitol and in other
13 locations.

14 (2) When any board, agency, commission, or department of
15 the state government not otherwise specifically authorized by law
16 desires to use funds available for the purpose of renting office
17 space outside of the State Capitol, it shall submit a request to
18 the Director of Administrative Services accompanied by a
19 certificate from the Committee on Building Maintenance that there
20 is no state-owned property which is adequate or which through
21 cost-effective renovation, as determined by the division, could be
22 made adequate to meet the needs of the board, agency, commission,
23 or department. If the director approves the lease, the terms and
24 location shall be approved by the director and the administrator in
25 writing and the leases shall be entered into and administered by
26 the administrator on behalf of the board, agency, commission, or
27 department. A copy of all such lease contracts shall be kept on
1 file by the state building division and shall be open to inspection
2 by the Legislature and the public during normal business hours.

3 (3) The administrator shall develop a system of charges
4 to cover basic rental, maintenance, renovations, and operation of
5 such leased and owned properties. The charges to state agencies,
6 boards, commissions, or departments of state government shall be
7 paid from funds available for the purpose of renting space on a
8 regular basis and placed, as applicable, in the State Building
9 Revolving Fund, ~~which fund is hereby created~~, and the State
10 Building Renewal Assessment Fund. The administrator shall make
11 payments for basic rentals, renovations, and maintenance and
12 operational costs of all leased and owned buildings from the State
13 Building Revolving Fund, except for expenses relating to security
14 as provided by the Nebraska State Patrol on state-owned or leased
15 buildings and grounds in Lincoln, Nebraska.

16 (4) The charges for such leased and owned properties
17 shall only be adjusted by the administrator on July 1. Prior to
18 any adjustment in the system of charges, the Department of

19 Administrative Services, on or before December 1 of the year
20 preceding the effective date of such adjustment, shall provide
21 written notification to the Committee on Building Maintenance, the
22 Clerk of the Legislature, and the Legislative Fiscal Analyst of the
23 proposed adjustment to the system of charges.

24 (5) Commencing on April 18, 1992, all leases of real
25 property entered into by any state agency, board, commission, or
26 department shall be subject to this section. Leases held by a
27 state agency, board, commission, or department on such date shall
1 be valid until the lease contract is terminated or is subject to
2 renewal. The division shall monitor all such leases and determine
3 when the lease is subject to renewal. Once the determination is
4 made, the division shall cancel the lease as of the renewal date
5 and shall treat the need of the agency, board, commission, or
6 department as an original request for space and subject to this
7 section. This subsection shall not apply to (a) state-owned
8 facilities to be rented to state agencies or other parties by the
9 University of Nebraska, the Nebraska state colleges, the Department
10 of Aeronautics, the Department of Roads, and the Board of
11 Educational Lands and Funds, (b) facilities to be leased for use by
12 the University of Nebraska, the Nebraska state colleges, and the
13 Board of Educational Lands and Funds, (c) facilities to be leased
14 for nonoffice use by the Department of Roads, or (d) facilities
15 controlled by the State Department of Education, which were
16 formerly controlled by the Nebraska School for the Visually
17 Handicapped, to be rented to state agencies or other parties by the
18 department.

19 Sec. 7. Section 81-1109, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-1109. The Director of Administrative Services shall
22 be responsible to the Governor for provision of technical
23 assistance, advice, and information concerning the financial and
24 administrative operations of all agencies of the state, for
25 provision of technical assistance and advice on the preparation of
26 the Governor's budget, otherwise referred to in sections 11-119,
27 81-106, 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and
1 84-304 and section 8 of this act as the executive budget, and for
2 administration of the approved budget within the limits of
3 appropriations provided except as otherwise provided by law. He or
4 she shall be responsible to the Governor for the provision of
5 current reports of the financial condition of the state and each of
6 its departments and agencies and for the provision of timely
7 recommendations for dealing with financial, management, and
8 organizational problems affecting the administration of the
9 business of the state and its departments and agencies.

10 Sec. 8. The State Building Revolving Fund is created.
11 The fund shall be administered by the State Building Administrator.
12 The fund shall consist of rental charges and other receipts
13 collected pursuant to contractual agreements between the state

14 building division and other entities as authorized by law. The
 15 fund shall be used to support the operations of the state building
 16 division as provided by law. That portion of rental revenue
 17 collected from state-owned or leased buildings and grounds in
 18 Lincoln, Nebraska, relating to security assessments shall be
 19 administratively transferred from the State Building Revolving Fund
 20 to the Nebraska State Patrol Cash Fund on a periodic basis. Any
 21 money in the State Building Revolving Fund available for investment
 22 shall be invested by the state investment officer pursuant to the
 23 Nebraska Capital Expansion Act and the Nebraska State Fund
 24 Investment Act.

25 Sec. 10. This act becomes operative on July 1, 2003.

26 Sec. 12. Since an emergency exists, this act takes
 27 effect when passed and approved according to law."

1 4. Renumber the remaining sections accordingly."

2 2. On page 1, line 4, strike "line 5," and insert "line
 3 4, strike 'To' and insert 'The Nebraska State Patrol shall'; in
 4 line 5"; in line 6 before the last period insert "; and in line 13
 5 strike '81-1108.17' and insert '81-1101, 81-1102, 81-1108.17,
 6 81-1108.22, 81-1109,'; and in line 14 strike 'section' and insert
 7 'sections 81-1108 and' ".
 8 3. Renumber the remaining amendments accordingly.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 754. Placed on Select File as amended.
 E & R amendment to LB 754:

AM7099

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. The Legislature finds that livestock
 4 production has traditionally served a significant role in the
 5 economic vitality of rural areas of the state and in the state's
 6 overall economy and that the growth and vitality of the state's
 7 livestock sector are critical to the continued prosperity of the
 8 state and its citizens. The Legislature further finds that trends
 9 in livestock production suggest a need to identify and address
 10 factors that affect the viability and expansion of livestock
 11 production. Those factors include the impact of livestock
 12 production on the state's economy and its communities, all
 13 applicable regulatory agencies, and the latest technology available
 14 to enhance the livestock industry. It is the intent of the
 15 Legislature to seek reasonable means to nurture and support the
 16 livestock sector of this state.
 17 Sec. 2. (1) The Director of Agriculture shall establish
 18 a process, including criteria and standards, to recognize and
 19 assist efforts of counties to maintain or expand their livestock
 20 sector. A county that meets the criteria may apply to the director

21 to be designated a livestock friendly county. A county may remove
22 itself from the process at any time. Such criteria and standards
23 may include, but are not limited to, the following factors:
24 Consideration of the diversity of activities currently underway or
1 being initiated by counties; a formal expression of interest by a
2 county board, by a duly enacted resolution following a public
3 hearing, in developing the livestock production and processing
4 sectors of such county's economy; an assurance that such county
5 intends to work with all other governmental jurisdictions within
6 its boundaries in implementing livestock development within the
7 county; flexible and individual treatment allowing each county to
8 design its own development program according to its own timetable;
9 and a commitment to compliance with the Livestock Waste Management
10 Act.

11 (2) In order to assist any county with information and
12 technology, the Department of Agriculture shall establish a
13 resource data base to provide, upon written request of the county
14 zoning authority or county board, information sources that may be
15 useful to the county in evaluating and crafting livestock facility
16 conditional use permits that meet the objectives of the county and
17 the livestock producer applicant.

18 (3) The Department of Agriculture shall adopt and
19 promulgate rules and regulations to carry out this section.

20 Sec. 3. Section 23-114.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 23-114.01. (1) In order to avail itself of the powers
23 conferred by section 23-114, the county board shall appoint a
24 planning commission to be known as the county planning commission.
25 The members of the commission shall be residents of the county to
26 be planned and shall be appointed with due consideration to
27 geographical and population factors. Since the primary focus of
1 concern and control in county planning and land-use regulatory
2 programs is the unincorporated area, a majority of the members of
3 the commission shall be residents of unincorporated areas, except
4 that this requirement shall not apply to joint planning
5 commissions. Members of the commission shall hold no county or
6 municipal office, except that a member may also be a member of a
7 city, village, or other type of planning commission. The term of
8 each member shall be three years, except that approximately
9 one-third of the members of the first commission shall serve for
10 terms of one year, one-third for terms of two years, and one-third
11 for terms of three years. All members shall hold office until
12 their successors are appointed. Members of the commission may be
13 removed by a majority vote of the county board for inefficiency,
14 neglect of duty, or malfeasance in office or other good and
15 sufficient cause upon written charges being filed with the county
16 board and after a public hearing has been held regarding such
17 charges. Vacancies occurring otherwise than through the expiration
18 of terms shall be filled for the unexpired terms by individuals

19 appointed by the county board. Members of the commission shall be
20 compensated for their actual and necessary expenses incurred in
21 connection with their duties in an amount to be fixed by the county
22 board. Reimbursement for mileage shall be made at the rate
23 provided in section 81-1176. Each county board may provide a per
24 diem payment for members of the commission of not to exceed fifteen
25 dollars for each day that each such member attends meetings of the
26 commission or is engaged in matters concerning the commission, but
27 no member shall receive more than one thousand dollars in any one
1 year. Such per diem payments shall be in addition to and separate
2 from compensation for expenses.

3 (2) The commission: (a) Shall prepare and adopt as its
4 policy statement a comprehensive development plan and such
5 implemental means as a capital improvement program, subdivision
6 regulations, building codes, and a zoning resolution; (b) shall
7 consult with and advise public officials and agencies, public
8 utilities, civic organizations, educational institutions, and
9 citizens relating to the promulgation of implemental programs; (c)
10 may delegate authority to any of the groups named in subdivision
11 (b) of this subsection to conduct studies and make surveys for the
12 commission; and (d) shall make preliminary reports on its findings
13 and hold public hearings before submitting its final reports. The
14 county board shall not hold its public meetings or take action on
15 matters relating to the comprehensive development plan, capital
16 improvements, building codes, subdivision development, or zoning
17 until it has received the recommendations of the commission.

18 (3) The commission may, with the consent of the governing
19 body, in its own name: Make and enter into contracts with public
20 or private bodies; receive contributions, bequests, gifts, or
21 grants of funds from public or private sources; expend the funds
22 appropriated to it by the county board; employ agents and
23 employees; and acquire, hold, and dispose of property. The
24 commission may, on its own authority: Make arrangements consistent
25 with its program; conduct or sponsor special studies or planning
26 work for any public body or appropriate agency; receive grants,
27 remuneration, or reimbursement for such studies or work; and at its
1 public hearings, summon witnesses, administer oaths, and compel the
2 giving of testimony.

3 (4) In all counties in the state, the county planning
4 commission may grant conditional uses or special exceptions to
5 property owners for the use of their property if the county board
6 of commissioners or supervisors has officially and generally
7 authorized the commission to exercise such powers and has approved
8 the standards and procedures the commission adopted for equitably
9 and judiciously granting such conditional uses or special
10 exceptions. The granting of a conditional use permit or special
11 exception shall only allow property owners to put their property to
12 a special use if it is among those uses specifically identified in
13 the county zoning regulations as classifications of uses which may

14 require special conditions or requirements to be met by the owners
15 before a use permit or building permit is authorized. The
16 applicant for a conditional use permit or special exception may
17 request a final determination by the county planning commission or
18 by the county board of commissioners or supervisors if the board
19 has not authorized the commission to exercise such authority. Upon
20 request the commission or board shall issue such final
21 determination in a timely manner. Such final determination may be
22 issued subject to such conditions as are imposed by the commission
23 or board, including, but not limited to, the obtaining of
24 applicable state or federal permits. The commission or the board
25 may request and review, prior to making a final determination, all
26 information relevant to the setting of conditions for the
27 conditional use or special exception.

1 (5) The power to grant conditional uses or special
2 exceptions as set forth in subsection (4) of this section shall be
3 the exclusive authority of the commission, except that the county
4 board of commissioners or supervisors may choose to retain for
5 itself the power to grant conditional uses or special exceptions
6 for those classifications of uses specified in the county zoning
7 regulations. The county board of commissioners or supervisors may
8 exercise such power if it has formally adopted standards and
9 procedures for granting such conditional uses or special exceptions
10 in a manner that is equitable and which will promote the public
11 interest.

12 (6) Whenever a county planning commission or county board
13 is authorized to grant conditional uses or special exceptions
14 pursuant to subsection (4) or (5) of this section, the planning
15 commission or county board shall, with its decision to grant or
16 deny a conditional use permit or special exception, issue a
17 statement of factual findings arising from the record of
18 proceedings that support the granting or denial of the conditional
19 use permit or special exception. If a county planning commission's
20 role is advisory to the county board, the county planning
21 commission shall submit such statement with its recommendation to
22 the county board as to whether to approve or deny a conditional use
23 permit or special exception.

24 Sec. 4. Original section 23-114.01, Reissue Revised
25 Statutes of Nebraska, is repealed."

26 2. On page 1, strike beginning with "54-2412" in line 1
27 through line 7 and insert "23-114.01, Reissue Revised Statutes of
1 Nebraska; to state intent; to provide for designation of livestock
2 friendly counties; to provide powers and duties; to change
3 provisions relating to zoning; and to repeal the original
4 section."

(Signed) Ray Mossey, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 735. Title read. Considered.

The Standing Committee amendment, AM0410, found on page 641, was adopted with 28 ayes, 0 nays, 19 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 735A. 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.

LEGISLATIVE BILL 255. Title read. Considered.

The Standing Committee amendment, AM0141, found on page 547, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 367. Title read. Considered.

The Standing Committee amendment, AM0731, found on page 773, was considered.

SENATOR CUDABACK PRESIDING

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
AM1255

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 81-15,174, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 81-15,174. The Nebraska Environmental Trust Fund is
- 5 created. The fund shall be maintained in the state accounting
- 6 system as a cash fund. Except as otherwise provided in this
- 7 section, the fund shall be used to carry out the purposes of the

8 Nebraska Environmental Trust Act, including the payment of
 9 administrative costs. Money in the fund shall include proceeds
 10 credited pursuant to section 9-812 and proceeds designated by the
 11 board pursuant to section 81-15,173. Any money in the fund
 12 available for investment shall be invested by the state investment
 13 officer pursuant to the Nebraska Capital Expansion Act and the
 14 Nebraska State Funds Investment Act.
 15 The State Treasurer shall transfer two million five
 16 hundred eighty-five thousand dollars from the Nebraska
 17 Environmental Trust Fund to the Department of Natural Resources
 18 Interstate Water Rights Cash Fund within five days after August 16,
 19 2002.
 20 The State Treasurer shall transfer two hundred
 21 twenty-five thousand nine hundred twenty-nine dollars from the
 22 Nebraska Environmental Trust Fund to the Low-Level Radioactive
 23 Waste Cash Fund within five days after August 16, 2002.
 24 The State Treasurer shall, within five days after the
operative date of this act, transfer three hundred thousand dollars
from the Nebraska Environmental Trust Fund to a city of the
metropolitan class to carry out the federal Residential Lead-Based
Paint Hazard Reduction Act of 1992, 42 U.S.C. 4851 et seq., as such
act existed on the operative date of this act."
 6 2. On page 10, line 2, strike "section 9-812" and insert
 7 "sections 9-812 and 81-15,174"; and in line 3 strike "is" and
 8 insert "are".
 9 3. Renumber the remaining sections accordingly.

Senators Schrock and Beutler offered the following amendment to the
 Chambers pending amendment:

FA1300

Amend AM1255

On page 2, line 2 strike "Nebraska Environmental Trust Fund" and insert
 "Education Innovation Fund"

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 68. Introduced by Erdman, 47.

WHEREAS, Nebraska native Travis Ford was a Captain in the United
 States Marine Corps; and

WHEREAS, the men and women in the United States Armed Forces and
 the National Guard and Reserves have been called to defend this country
 from terrorism and bring liberty to the people of Iraq by their Commander-
 in-Chief; and

WHEREAS, Captain Ford was killed-in-action on April 4, 2003, leaving
 his wife Deon and two-year-old daughter Ashley; his mother Josephine; and
 his brothers Alex, Mike, Todd, and Matt and their families; and

WHEREAS, Captain Ford, who was born in St. Paul, Nebraska, was an athlete and leader at the schools he attended in Grant and in Ogallala, where he graduated from high school, and subsequently attended and graduated from the University of Nebraska, where he represented the University as a cheerleader; and

WHEREAS, he will always have a special place in the hearts of his wife, daughter, mother, siblings, and extended family and friends; and

WHEREAS, Captain Ford and the other Nebraska men and women serving in the United States Armed Forces and the National Guard and Reserves represent the best that Nebraska has to offer.

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

1. That the Legislature expresses its condolences to the Ford and Tipton families.

2. That the Legislature joins with all of those at the April 10, 2003, memorial service honoring the life and patriotic service of Captain Travis Ford.

3. That the Legislature remembers and honors all Nebraskans who have died while serving our country.

4. That a copy of this resolution be sent to the family of United States Marine Corps Captain Travis Ford.

Laid over.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 743:
AM1241

- 1 1. Strike original sections 3 to 6 and insert the
- 2 following new section:
- 3 "Sec. 3. The national do-not-call registry established
- 4 and maintained by the Federal Trade Commission pursuant to 16
- 5 C.F.R. 310.4(b)(1)(iii)(B), as it existed on the effective date of
- 6 this act, is the do-not-call registry for Nebraska. No person or
- 7 entity shall make or cause to be made any telephone solicitation to
- 8 any residential subscriber in Nebraska if the subscriber's
- 9 telephone number has been on the national do-not-call registry for
- 10 at least three months prior to the date of the telephone
- 11 solicitation.".
- 12 2. Renumber the remaining sections and correct internal
- 13 references accordingly.

Senator Bromm filed the following amendment to LB 249:
AM1260

(Amendments to Standing Committee amendments, AM0931)

- 1 1. Insert the following new section:
- 2 "Sec. 10. A student transferring to a public school
- 3 district from a private school or to a private school from a public
- 4 school district, if written notification is provided to the

5 accepting school on or before July 1, shall be eligible beginning
 6 July 1 or upon receipt of the notification, whichever is later, to
 7 compete in extracurricular activities sponsored by the accepting
 8 school. A student transferring to an accepting school after his or
 9 her initial enrollment in the ninth grade or a student transferring
 10 to an accepting school before or during his or her tenth, eleventh,
 11 or twelfth grade year who submits written notification after July 1
 12 shall be ineligible to compete in varsity extracurricular
 13 activities sponsored by the accepting school for a period of ninety
 14 school days after his or her attendance in the accepting school
 15 begins, except that this waiting period does not apply if the
 16 transferring school and the accepting school have joint teams or
 17 programs. No such ineligibility shall occur when the student
 18 returns to his or her transferring school if such student submits a
 19 cancellation form.
 20 For purposes of this section: (1) Accepting school means
 21 the private school or public school district that the student is
 22 transferring to; (2) transferring school means the private school
 23 or public school district that the student is transferring from;
 1 and (3) varsity extracurricular activities means the principal team
 2 or group that represents the private school or public school
 3 district building in interscholastic competition."
 4 2. Renumber the remaining sections accordingly.

Senator Brashear filed the following amendment to LB 46:
 AM1232

(Amendments to E & R amendments, AM7092)

1 1. On page 17, line 16, after "curfew" insert "for a
 2 period not to exceed thirty days"; in line 17 after "hours" insert
 3 "pursuant to sections 29-2277 to 29-2279"; in line 18 strike the
 4 underscored semicolon and insert "to stay within his or her county
 5 of residence or employment unless otherwise permitted by the
 6 supervising probation officer; and"; strike beginning with
 7 "Prohibiting" in line 19 through "(ix)" in line 21; in line 21
 8 after "obligations" insert "to mitigate their effect on the
 9 probationer"; and in line 27 strike "Traffic" and insert "Moving
 10 traffic".
 11 2. On page 18, strike beginning with "Associating" in
 12 line 11 through "(viii)" in line 13; in line 13 after the semicolon
 13 insert "and"; in line 14 strike "(ix)" and insert "(viii)"; and
 14 strike lines 16 and 17.
 15 3. On page 19, line 14, after the period insert "(i)";
 16 in line 15 after "are" insert "to be"; and in line 17 after
 17 "sanction" insert "; and (ii) the probationer has the right to
 18 decline to acknowledge the violation and if he or she declines to
 19 acknowledge the violation, the probation officer shall take action
 20 pursuant to subdivision (2)(b) of this section".

Senator Brashear filed the following amendment to LB 267:

AM1237

(Amendments to Standing Committee amendments, AM0134)

- 1 1. On page 3, line 25, strike "licensee" and insert
- 2 "applicant".
- 3 2. On page 4, lines 4 and 5, strike "with the applicant"
- 4 and show as stricken.

Senator Beutler filed the following amendment to LB 332:
AM1211

(Amendments to Final Reading copy)

- 1 1. Insert the following sections:
- 2 "Sec. 2. (1) If an employee, or an employee's
- 3 dependents, initiate a judicial proceeding, lawsuit, or other
- 4 similar proceeding for benefits pursuant to the laws of another
- 5 state or country concerning workers' compensation and if the
- 6 employee's or the employee's dependents' petition or complaint is
- 7 dismissed after a trial on the merits of the case, then the
- 8 employee or the employee's dependents shall not be eligible for
- 9 benefits under the Nebraska Workers' Compensation Act for
- 10 compensation or medical benefits for the same accident, injury, or
- 11 death.
- 12 (2) If an employee, or an employee's dependents, initiate
- 13 a judicial proceeding, lawsuit, or other similar proceeding for
- 14 benefits pursuant to the laws of another state or country
- 15 concerning workers' compensation, any lawsuit or judicial
- 16 proceeding initiated by an employee, or an employee's dependents,
- 17 for workers' compensation benefits under the Nebraska Workers'
- 18 Compensation Act for the same injury, accident, disability, or
- 19 death shall be stayed, without prejudice, pending resolution of the
- 20 out-of-state claim for benefits.
- 21 (3) If compensation benefits are paid under the Nebraska
- 22 Workers' Compensation Act and were payable, at any time, for the
- 23 same injury, accident, disability, or death pursuant to the laws of
- 1 another state or country concerning workers' compensation, the
- 2 employer shall have a credit toward the benefits payable pursuant
- 3 to the Nebraska Workers' Compensation Act for any benefits paid in
- 4 another state or country or for benefits paid pursuant to another
- 5 state or country's laws.
- 6 Sec. 3. Section 48-1,110, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 48-1,110. (1) Sections 48-101 to 48-1,117 and section 2
- 9 of this act shall be known and may be cited as the Nebraska
- 10 Workers' Compensation Act.
- 11 (2) It is the intent of the Legislature that the changes
- 12 made in Laws 1986, LB 811, shall not affect or alter any rights,
- 13 privileges, or obligations existing immediately prior to July 17,
- 14 1986.
- 15 Sec. 4. Sections 2, 3, and 6 of this act become
- 16 operative three calendar months after adjournment of this

17 legislative session. The other sections of this act become
18 operative on their effective date.

19 Sec. 6. Original section 48-1,110, Reissue Revised
20 Statutes of Nebraska, is repealed."

21 2. On page 1, line 1, after "amend" insert "section
22 48-1,110, Reissue Revised Statutes of Nebraska, and"; and in line 5
23 after the first semicolon insert "to provide for coordination of
24 claims and benefits under laws of different jurisdictions; to
25 harmonize provisions; to provide operative dates;" and strike
26 "section" and insert "sections".

27 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Brown and Hartnett asked unanimous consent to have their names added as cointroducers to LB 304. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 735. No objections. So ordered.

VISITORS

Visitors to the Chamber were 56 fourth-grade students and sponsor from Morton Elementary School, Lexington; 8 second-grade students, teacher, and sponsors from Schuyler; 21 fourth-grade students and sponsors from Columbus St. Bonaventure School, Columbus; Shannon, Michelle, and Ally Saltzman from Omaha; and 45 fourth- and fifth-grade students and teacher from Wallace District 60, Hastings.

ADJOURNMENT

At 4:27 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 10, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 10, 2003

PRAYER

The prayer was offered by Senator Kremer.

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 Quandahl who was excused; and Senators Brown, Landis, Maxwell, Mines, and Preister who were excused until they arrive.

SPEAKER BROMM PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

UNANIMOUS CONSENT - Member Excused

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

ATTORNEY GENERAL'S OPINIONOpinion # 03008

DATE: April 9, 2003

SUBJECT: Competitive Bidding By Joint Entities Organized Under
The Nebraska Public Safety Wireless Communication
System Act.

REQUESTED BY: Senator Gene Tyson
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

Neb. Rev. Stat. §§ 86-401 through 86-419 (Cum. Supp. 2002) constitute the Nebraska Public Safety Wireless Communication System Act (the "Act"). That Act permits the creation of two separate joint entities under the Nebraska Interlocal Cooperation Act to implement a statewide public safety communications system.¹ Those two joint entities include an "Acquisition Agency" and an "Alliance." Under § 86-410 (1), the purpose of the Acquisition Agency is to acquire real and personal property for use in connection with a public safety communications system, and to construct any facilities necessary to implement such a system. Under § 86-410 (2), the purpose of the Alliance is to operate, maintain and manage a statewide public safety communications system. Both of those joint entities may include public safety agencies from the State, cities and villages, counties, and other political subdivisions in Nebraska as participants. Apparently, an Acquisition Agency and an Alliance involving the State and various political subdivisions have now been created under the Act to carry out its provisions.

The Act was extensively amended in 2002 by LB 1105 and LB 1211. 2002 Neb. Laws LB 1105; 2002 Neb. Laws LB 1211. In your opinion request, you state:

As one of the co-introducers of LB 1211, it concerns me that further legislation might be necessary by amendment this session. I am not aware of any requirement to force the executive board of the "alliance" to issue an RPF (sic). However, some members of the executive board of the "alliance" are concerned that the board may not have the statutory authority to freely negotiate terms and conditions with one or both of the companies which submitted bids to the state [for creation of a statewide public safety communications system] prior to passage of LB 1211. Both bids were rejected by the state.

It is my understanding that several members of the executive board of the "alliance" would like to begin negotiations with one or both companies. The executive board would be assisted by a consultant and project manager previously hired by the executive board. At a minimum, this would avoid the costly and time-consuming process of issuing another RFP.

In that context, you have posed the following question to us:

Is the executive board of the "alliance" required by any law to issue another RFP or does it have the authority to begin negotiation with one or both companies, subject to whatever terms and conditions to which the party or parties may agree?

We understand your use of the term "RFP" to refer to the "Request For Proposal" which is used by many state agencies as an initial part of the process for competitive bidding on public purchases. As a result, it appears that you have asked us whether the Alliance in this case is required to engage in a competitive bidding process to perform its duties regarding creation of a statewide public safety communications system.

We received your opinion request on the afternoon of April 7, 2003, and you have asked us to complete our response to your request by the close of the day on April 9, 2003. While we will accommodate your need for an expedited response, we will also point out that the time frame you have allowed us leaves us little opportunity for research regarding the question you presented. In addition, our response will necessarily be brief.

Under common law, and generally, there is no requirement that public contracts be let by competitive bidding in the absence of a statutory provision requiring such a bidding process. 72 C.J.S. Supp. Public Contracts § 8. In that regard, competitive bidding is not an essential prerequisite to the validity of contracts with public bodies, and the government has the unrestricted power to determine with whom it will deal, and to fix the terms and conditions upon which it will make purchases. *Id.* However, even in those instances where a public body has no duty to require bids in letting public contracts, it must act in the public interest, and must be fair, honest, and exercise a wise discretion in the awarding of public contracts. 72 C.J.S. Supp. Public Contracts § 7. Consequently, it seems to us that the Alliance in the present instance must engage in a competitive bidding process and issue a new RFP as described in your letter only if there are Nebraska statutes which require it to do so. In the absence of such statutes, the executive board of the Alliance may freely negotiate terms and conditions with one or both of the companies which earlier submitted bids to the state, or with others.

We have reviewed the Nebraska Public Safety Wireless Communication System Act and the Nebraska Interlocal Cooperation Act, and we have found nothing in those statutes which specifically requires competitive bidding with respect to the duties of either the Acquisition Agency or the Alliance.² Section 13-804 (5) of the Interlocal Cooperation Act does provide that no agreement under that Act will relieve any public agency of an obligation or responsibility imposed upon it by law, except to the extent that such an obligation is performed by the joint entity created under the Act. That statute could be used as the basis for an argument that the Alliance is subject to any bidding requirements imposed upon its participants under their own statutes, and we have indicated previously that a joint body formed by counties under the Interlocal Cooperation Act must publish its proceedings and claims allowed because individual counties were required to do so. *Op. Att'y Gen. No. 152* (October 23, 1983). However, it appears to us that § 13-804 (5) is inapplicable to the circumstances surrounding your question because the authority of the Alliance to engage in its activities grows out of Nebraska Public Safety Wireless Communication System Act itself, and not out of the particular statutes pertinent to each of the individual

participants in the Alliance.

We would also note that the provisions of the Nebraska Joint Public Agency Act, Neb. Rev. Stat. §§ 13-2501 to 13-2550 (Cum. Supp. 2002), contain a specific requirement regarding the bidding procedures which must be used by joint public agencies organized under that act. Neb. Rev. Stat. § 13-2526 (Cum. Supp. 2002). The fact that the Legislature chose to specifically impose bidding procedures on joint public agencies formed under the Joint Public Agency Act, but did not chose to do so for joint entities formed under Nebraska Interlocal Cooperation Act, supports the notion that competitive bidding is not required under the latter statutes.

In sum, we do not believe that the executive board of the Alliance is required by any law to issue another RFP in this case or to engage in competitive bidding as it goes about its duties. However, the board could still choose to use a competitive bidding process, if board members for the Alliance believe that such a process is proper policy under the circumstances in this case.

¹The Interlocal Cooperation Act may be found at Neb. Rev. Stat. §§ 13-801 through 13-827 (1997, Cum. Supp. 2002).

²We indicated earlier in an informal opinion that, in our view, the Alliance is a governmental subdivision separate and apart from the State. Therefore, we have not reviewed any statutes pertaining to the bidding requirements placed upon state agencies, because we do not believe that those statutes have application to the Alliance.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05-163-21

GENERAL FILE

LEGISLATIVE BILL 265A. Title read. Considered.

Senator Chambers offered the following motion:
Indefinitely postpone.

Senator McDonald asked unanimous consent to be excused until she returns.
No objections. So ordered.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Tyson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Voting in the affirmative, 27:

Aguilar	Cudaback	Hudkins	Mossey	Tyson
Baker	Cunningham	Janssen	Pedersen, Dw.	Vrtiska
Brashear	Engel	Jensen	Redfield	Wehrbein
Burling	Erdman	Jones	Smith	
Byars	Foley	Kremer	Stuhr	
Combs	Friend	Louden	Synowiecki	

Voting in the negative, 4:

Chambers	Price	Schimek	Thompson

Present and not voting, 14:

Beutler	Brown	Johnson	Mines	Raikes
Bourne	Connealy	Kruse	Pederson, D.	Stuthman
Bromm	Hartnett	Maxwell	Preister	

Absent and not voting, 1:

Schrock

Excused and not voting, 3:

Landis	McDonald	Quandahl

Advanced to E & R for review with 27 ayes, 4 nays, 14 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 667:
AM1127

(Amendments to E & R amendments, AM7091)

- 1 1. On page 23, line 20, after the underscored period
- 2 insert "Funds received by the department for the payment of such
- 3 costs shall be remitted to the State Treasurer for credit to the
- 4 Department of Health and Human Services Regulation and Licensure
- 5 Cash Fund.".

Senator Burling filed the following amendment to LB 265:

AM1248

(Amendments to Standing Committee amendments, AM0768)

- 1 1. On page 7, lines 26 and 27, strike "who issued a
- 2 permit under the Concealed Handgun Permit Act".
- 3 2. On page 8, strike line 3 and insert "the issuance or
- 4 nonissuance of a permit under the Concealed Handgun Permit Act".

RESOLUTION

LEGISLATIVE RESOLUTION 69. Introduced by Combs, 32.

WHEREAS, the Fairmont Army Airfield, one of nearly 800 such airfields in the continental United States, was constructed in November, 1942, is located in north-central Fillmore County, and originally consisted of approximately 1,877 acres; and

WHEREAS, the Fairmont Army Airfield includes four large World War II bomber hangars, a 40-acre concrete apron, a water tower, three runways, and several other smaller buildings and taxiways, all virtually intact from that war; and

WHEREAS, the Fairmont Army Airfield was used for the training of thousands of B-24 "Liberator" and B-29 "Superfortress" aircraft air crews and their support staff, beginning with the 451st Bombardment Group in September, 1943; and

WHEREAS, the Fairmont Army Airfield was officially listed on the National Register of Historic Places on March 11, 2003.

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

1. That the Legislature recognizes the importance of protecting historic places and the significance of the Fairmont Army Airfield in maintaining Allied air superiority during World War II.

2. That a copy of this resolution be sent to Lawrence Sommer, Director of the Nebraska State Historical Society, and the Village of Fairmont Board of Trustees.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 743. The Standing Committee amendment, AM0715, printed separately and referred to on page 817 and considered on page 1204, was renewed.

SENATOR SCHIMEK PRESIDING

Senators Brashear, Byars, Maxwell, McDonald, and Raikes 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.

The Standing Committee amendment was adopted with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

Senator Baker 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 Smith moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for review with 33 ayes, 5 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Preister, 5; Beutler, 28.

WHEREAS, the first Workers Memorial Day was observed in 1989; and

WHEREAS, the Legislature passed LB 199 in 1991, commemorating Workers Memorial Day; and

WHEREAS, April 28, 2003, is recognized as Workers Memorial Day; and

WHEREAS, Workers Memorial Day is established to remember the courage and integrity of American workers past and present; and

WHEREAS, every citizen should assist in ensuring that all individuals work in a safe environment; and

WHEREAS, nationally more than sixty thousand workers die each year from job injuries and illnesses and more than six million workers are injured.

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

1. That April 28, 2003, is designated as Workers Memorial Day.

2. That it is the intent of the Legislature to honor those workers who sacrificed for the safety of all workers and to mourn for their lives.

Laid over.

VISITORS

Visitors to the Chamber were Sandy McCoy and Karen Hallock from Keya Paha County; Pat Meisinger from Plattsmouth; 36 fourth-grade students and teachers from Seymour Elementary School, Ralston; 7 fourth-grade students and teacher from Waterloo; officials from Platte County; 25 nursing students from Creighton University, Omaha, and Hastings; former Senator

Carol McBride Pirsch from Omaha; and 38 fourth-grade students and teachers from Dakota City.

RECESS

At 11:49 a.m., on a motion by Senator Hartnett, 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 Quandahl who was excused; and Senators Byars, Landis, Mossey, and Price who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 367. Senator Schrock withdrew the Schrock-Beutler pending amendment, FA1300, found on page 1216.

Senator Chambers withdrew his pending amendment, AM1255, found on page 1215.

Senators Schrock, Chambers, Beutler, and Preister offered the following amendment:

AM1261

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 81-15,121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-15,121. (1) A person shall not (a) maintain or use
- 5 any tank for the storage of regulated substances, (b) install any
- 6 new tank, or (c) permanently close a tank without first securing a
- 7 permit from the State Fire Marshal.
- 8 (2) A fee shall not be charged for a permit under
- 9 subdivision (1)(a) or (c) of this section. The fee for a permit
- 10 for installation shall be fifty dollars. The State Fire Marshal
- 11 shall remit the fee to the State Treasurer for credit to the
- 12 Underground Storage Tank Fund.
- 13 (3) All owners of operating tanks, except those provided
- 14 for in subsection (4) of this section, shall annually register each
- 15 tank. All registration permits shall expire on December 31 of the

16 year for which the permit was issued. The registration fee shall
17 be thirty dollars per tank. The State Fire Marshal shall remit the
18 fee to the State Treasurer for credit to the Underground Storage
19 Tank Fund. Such permits shall contain the information specified in
20 subsection (5) of this section.

21 (4) In the case of tanks permanently abandoned on or
22 after January 1, 1974, an annual permit shall not be required and
23 an initial registration permit shall be sufficient.

24 (5) The application for a registration permit shall be
1 provided by and filed with the State Fire Marshal's office and
2 shall require, but not be limited to, the following information:

3 (a) The date the tank was placed in or taken out of
4 operation;

5 (b) The age of the tank;

6 (c) The size, type, and location of the tank; and

7 (d) The type of substances stored in the tank and the
8 quantity of such substances remaining in the tank if the tank has
9 been permanently closed.

10 (6) The registration permit fee collected pursuant to
11 this section shall be deposited in the Underground Storage Tank
12 Fund which is hereby created as a cash fund. The fund shall also
13 consist of any money appropriated to the fund by the state. The
14 fund shall be administered by the State Fire Marshal to carry out
15 the purposes of the Petroleum Products and Hazardous Substances
16 Storage and Handling Act. Any money in such fund available for
17 investment shall be invested by the state investment officer
18 pursuant to the Nebraska Capital Expansion Act and the Nebraska
19 State Funds Investment Act.

20 (7) The State Treasurer shall, within five days after the
21 operative date of this act, transfer three hundred thousand dollars
22 from the Underground Storage Tank Fund to a city of the
23 metropolitan class to carry out the federal Residential Lead-Based
24 Paint Hazard Reduction Act of 1992, 42 U.S.C. 4851 et seq., as such
25 act existed on the operative date of this act."

26 2. Amend the repealer and renumber the remaining
27 sections accordingly.

Senators Mines and Price asked unanimous consent to be excused until they return. No objections. So ordered.

The Schrock et al. amendment was adopted with 28 ayes, 5 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 7 nays, 7 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 46. E & R amendment, AM7092, printed separately

and referred to on page 1083, was adopted.

Senator Beutler withdrew his pending amendment, FA1257, found on page 1139.

Senator Chambers renewed his pending amendment, AM1156, found on page 1162.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

Senators Engel, Schrock, 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.

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM1015, found on page 1162, and replace it with his substitute amendment, AM1279. No objections. So ordered.

AM1279

(Amendments to E & R amendments, AM7092)

- 1 1. On page 51, line 7, after the underscored period
2 insert "The director shall so certify within thirty days after the
3 date on which the population first exceeds one hundred forty
4 percent of design capacity.".
- 5 2. On page 52, line 5, after the underscored period
6 insert "The director shall so certify within thirty days after the
7 date on which the population first reaches operational capacity.".

The Beutler amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Senator Beutler withdrew his pending amendment, AM1016, found on page 1162.

Senator Dw. Pedersen renewed the Dw. Pedersen-Schimek pending amendment, AM0819, printed separately and referred to on page 1205.

The Dw. Pedersen-Schimek amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Brashear withdrew his pending amendment, AM1232, found on page 1218.

Senator Brashear offered the following amendment:

AM1263

(Amendments to E & R amendments, AM7092)

- 1 1. On page 17, line 16, after "curfew" insert "for a

2 period not to exceed thirty days"; in line 17 after "hours" insert
 3 "pursuant to sections 29-2277 to 29-2279"; in line 18 strike the
 4 underscored semicolon and insert "to stay within his or her county
 5 of residence or employment unless otherwise permitted by the
 6 supervising probation officer; and"; strike beginning with
 7 "Prohibiting" in line 19 through "(ix)" in line 21; in line 21
 8 after "obligations" insert "to mitigate their effect on the
 9 probationer"; and in line 27 strike "Traffic" and insert "Moving
 10 traffic".

11 2. On page 18, strike beginning with "Associating" in
 12 line 11 through "(viii)" in line 13; in line 13 after the semicolon
 13 insert "and"; in line 14 strike "(ix)" and insert "(viii)"; and
 14 strike lines 16 and 17.

15 3. On page 19, line 14, after the period insert "(i)";
 16 in line 15 after "are" insert "to be"; and in line 17 after
 17 "sanction" insert "; and (ii) the probationer has the right to
 18 decline to acknowledge the violation and if he or she declines to
 19 acknowledge the violation, the probation officer shall take action
 20 pursuant to subdivision (2)(b) of this section".

21 4. On page 46, strike lines 14 and 15; in line 16 strike
 22 "(10)" and insert "(9)"; and in line 20 strike "(11)" and insert
 23 "(10)".

The Brashear amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Senator Synowiecki offered the following amendment:
 AM1217

(Amendments to E & R amendments, AM7092)

1 1. Insert the following new section:
 2 "Sec. 11. The Health and Human Services Supplemental
 3 Substance Abuse Cash Fund is created. Fifty percent of the fees
 4 collected pursuant to sections 8 and 18 of this act shall be
 5 remitted to the State Treasurer for credit to the fund. The fund
 6 shall be utilized by the Director of Health and Human Services for
 7 substance abuse treatment. The director shall distribute the fund
 8 to the mental health regions to fund agreements with service
 9 agencies to provide rehabilitation and support services for
 10 probationers and parolees. Money distributed under this section
 11 shall only be used for providing substance abuse treatment
 12 services.
 13 For purposes of this section, (1) service agency has the
 14 definition found in section 71-5002 and (2) substance abuse
 15 treatment services means services as defined in section 71-5002
 16 applied to substance abuse treatment.
 17 Any money in the fund available for investment shall be
 18 invested by the state investment officer pursuant to the Nebraska
 19 Capital Expansion Act and the Nebraska State Funds Investment
 20 Act".

- 21 2. On page 23, strike beginning with "The" in line 12
 22 through the period in line 14 and insert "Fifty percent of the fee
 23 collected pursuant to section 8 of this act shall be used by the
 1 administrator for the purposes stated in subdivision (14) of
 2 section 29-2252, and fifty percent of such fee shall be remitted to
 3 the State Treasurer for credit to the Health and Human Services
 4 Supplemental Substance Abuse Cash Fund and used for probationer
 5 substance abuse treatment services as provided in section 11 of
 6 this act.".
- 7 3. On page 36, strike beginning with "The" in line 5
 8 through the period in line 7 and insert "Fifty percent of the fee
 9 collected pursuant to section 18 of this act shall be used by the
 10 administrator for the purposes stated in subdivision (8) of section
 11 83-1,102, and fifty percent of such fee shall be remitted to the
 12 State Treasurer for credit to the Health and Human Services
 13 Supplemental Substance Abuse Cash Fund and used for parolee
 14 substance abuse treatment services as provided in section 11 of
 15 this act.".
- 16 4. Renumber the remaining sections and correct internal
 17 references accordingly.

SPEAKER BROMM PRESIDING

Senators Cudaback and Stuhr asked unanimous consent to be excused. No objections. So ordered.

Senator Synowiecki moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Synowiecki requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baker	Erdman	Janssen	Louden	Smith
Burling	Friend	Johnson	McDonald	Stuthman
Connealy	Hartnett	Jones	Preister	Synowiecki
Cunningham	Hudkins	Kremer	Price	Tyson

Voting in the negative, 13:

Beutler	Brown	Combs	Raikes	Thompson
Brashear	Byars	Engel	Redfield	
Bromm	Chambers	Mines	Schrock	

Present and not voting, 10:

Aguilar	Foley	Maxwell	Pederson, D.	Vrtiska
Bourne	Kruse	Pedersen, Dw.	Schimek	Wehrbein

Excused and not voting, 6:

Cudaback	Landis	Quandahl
Jensen	Mossey	Stuhr

The Synowiecki amendment lost with 20 ayes, 13 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Bourne, Connealy, Johnson, and D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler offered the following amendment:
AM1282

(Amendments to E & R amendments, AM7092)

- 1 1. On page 19, line 10, after "sanctions" insert "with
- 2 the approval of his or her chief probation officer"; and in line 12
- 3 after "officer" insert "and his or her chief probation officer".

Senator Beutler offered the following amendment to his pending amendment:

FA1301

Amend AM1282

In lines 2 and 3 after the word officer, insert "or his or her designee"

The Beutler amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

The Beutler amendment, AM1282, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Senator Synowiecki offered the following amendment:
AM1280

(Amendments to E & R amendments, AM7092)

- 1 1. On page 8, line 25; and page 29, line 27, strike
- 2 "Use" and insert "In consultation with the Community Corrections
- 3 Council, use".
- 4 2. On page 9, line 6; and page 30, line 8, after
- 5 "programs" insert "developed by or through the council".
- 6 3. On page 23, line 13, after "administrator" insert ",
- 7 in consultation with the Community Corrections Council".
- 8 4. On page 36, line 6, after "Administration" insert ",
- 9 in consultation with the Community Corrections Council".
- 10 5. On page 43, line 21, strike "Three" and insert
- 11 "Seven"; in line 22 strike "one" and insert "; One"; in line 24
- 12 strike the comma and insert a semicolon; in line 26 strike ", and"
- 13 and insert a semicolon; and in line 27 after "agency" insert "; one
- 14 mental health and substance abuse professional; and from each

15 congressional district, one provider of community-based behavioral
16 health services".

17 6. On page 44, line 6, after the semicolon insert "and";
18 strike beginning with the semicolon in line 8 through "Governor" in
19 line 13; and in line 15 strike "subdivisions (1)(e) and (2)(e) and
20 (f)" and insert "subdivision (1)(e)".

21 7. On page 46, line 16, after "(10)" insert "To ensure
22 adequate funding for substance abuse treatment programs for
23 probationers, consult with the probation administrator as provided
1 in section 9 of this act and develop or assist with the development
2 of programs as provided in subdivision (14) of section 29-2252;
3 (11) To ensure adequate funding for substance abuse
4 treatment programs for parolees, consult with the Office of Parole
5 Administration as provided in section 18 of this act and develop or
6 assist with the development of programs as provided in subdivision
7 (8) of section 83-1,102;
8 (12)"; and in line 20 strike "(11)" and insert "(13)".

The Synowiecki amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 46A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 112. E & R amendment, AM7095, found on page 1114, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 500. Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Friday, April 25, 2003

8:00 a.m.

Louise Bereuter - Nebraska Arts Council

Joan Gibson - Nebraska Arts Council

Robin Koozer - Nebraska Arts Council

Art Thompson - Nebraska Arts Council

Robert Wolfe - Nebraska Arts Council

Meredith Zutavern - Nebraska Arts Council

(Signed) Ray Janssen, Chairperson

AMENDMENTS - Print in Journal

Senator Burling filed the following amendment to LB 267:
AM1249

(Amendments to Standing Committee amendments, AM0134)

- 1 1. On page 3, line 25, strike "licensee" and insert
- 2 "applicant".
- 3 2. On page 4, strike beginning with "such" in line 1
- 4 through "welfare" in line 6, show as stricken, and insert "one
- 5 thousand five hundred hours of verifiable investigative
- 6 experience".

Senator Landis filed the following amendment to LB 165:
AM1270

(Amendments to Final Reading copy)

- 1 1. On page 9, line 16, after "Act" insert "including,
- 2 but not limited to, immunities and exemptions from liability,
- 3 claims requirements, jurisdictional and procedural requirements,
- 4 limitations on time for making claims and bringing suit, and
- 5 limitations on amounts recoverable,".

Senator Preister filed the following amendment to LB 65:
AM0695

(Amendments to Standing Committee amendments, AM0271)

- 1 1. On page 2, line 7, strike "less" and insert "not
- 2 more"; and in line 12 strike "the applicant has filed written
- 3 waivers" and insert "no objections have been filed with the board
- 4 within thirty days after the filing of the application".

Senator Baker filed the following amendment to LB 267:
(Amendment, AM1281, is printed separately and available in the Bill Room, Room 1104.)

UNANIMOUS CONSENT - Add Cointroducer

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 743. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 fourth-grade students and teacher from Zion Lutheran School, Kearney; 50 fourth-grade students and teacher from Swanson Elementary School, Omaha; members of the Nebraska Chapter of the National Association of Social Workers from colleges across the state; 3 students from Chadron State College; and 7 fourth-grade students and teacher from Pleasanton.

The Doctor of the Day was Dr. Joel Travis from Albion.

ADJOURNMENT

At 4:21 p.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Friday, April 11, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 11, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 11, 2003

PRAYER

The prayer was offered by Senator Hudkins.

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, Brashear, Bromm, Brown, Kremer, Landis, Mines, D. Pederson, and Quandahl who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

MESSAGE FROM THE GOVERNOR

April 11, 2003

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

Dear Mr. President, Speaker Bromm, and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Public Roads Classifications and Standards.

APPOINTEE:

Edward R. Wootton, Sr., 304 W Mission Ave, Bellevue, NE 68005

The aforementioned name is respectfully submitted for your consideration.

Sincerely,

(Signed) Mike Johanns
Governor

say/

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of

Weights and Measures, Checking the Net Contents of Packaged Goods,
Handbook 133

Weights and Measures, Specifications, Tolerances, and Other Technical
Requirements for Weighing and Measuring Devices, Handbook 44

Weights and Measures, Uniform Laws and Regulations, Handbook 130

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for February
2003

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 10, 2003,
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

Cutshall & Associates
Work Ethic Camp Coalition

Davis, Lisa
Takeda Pharmaceuticals America

Loomis, Richard C.
Aquila

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 111. With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend section
28-813.01, Reissue Revised Statutes of Nebraska; to change penalty

provisions for possession of child pornography; 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:

Aguilar	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Baker	Cunningham	Johnson	Preister	Stuthman
Beutler	Erdman	Jones	Price	Synowiecki
Burling	Foley	Kruse	Raikes	Thompson
Byars	Friend	Louden	Redfield	Tyson
Chambers	Hartnett	Maxwell	Schimek	Vrtiska
Combs	Hudkins	McDonald	Schrock	Wehrbein
Connealy	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 10:

Bourne	Bromm	Engel	Landis	Pederson, D.
Brashear	Brown	Kremer	Mines	Quandahl

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 175 with 34 ayes, 3 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 175.

A BILL FOR AN ACT relating to public funds; to amend sections 72-1261, 72-1265, 72-1268.01, 72-1268.02, and 72-1268.04, Reissue Revised Statutes of Nebraska, and sections 17-607, 72-1262, 72-1263, 72-1264, 72-1266, 72-1268, 72-1268.03, 77-2365.01, 77-2387, and 77-2389, Revised Statutes Supplement, 2002; to change provisions relating to deposit of funds by cities of the second class and villages and the Nebraska Capital Expansion Act; to define and redefine terms; to authorize the investment and deposit of state funds as prescribed; to change provisions relating to securities; to authorize political subdivisions to sell bonds using an Internet auction system; 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	Johnson	Preister	Stuthman
Baker	Cunningham	Jones	Price	Synowiecki
Beutler	Erdman	Kremer	Quandahl	Thompson
Brown	Foley	Kruse	Raikes	Tyson
Burling	Friend	Louden	Redfield	Vrtiska
Byars	Hartnett	Maxwell	Schimek	Wehrbein
Chambers	Hudkins	McDonald	Schrock	
Combs	Janssen	Mossey	Smith	
Connealy	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Excused and not voting, 7:

Bourne	Bromm	Landis	Pederson, D.
Brashear	Engel	Mines	

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 186.

A BILL FOR AN ACT relating to junkyards; to amend section 39-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to junkyards along roadways; 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, 40:

Aguilar	Cudaback	Jensen	Mossey	Smith
Baker	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Beutler	Erdman	Jones	Price	Stuthman
Brown	Foley	Kremer	Quandahl	Synowiecki
Burling	Friend	Kruse	Raikes	Thompson
Byars	Hartnett	Louden	Redfield	Tyson
Chambers	Hudkins	Maxwell	Schimek	Vrtiska
Combs	Janssen	McDonald	Schrock	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Connealy Preister

Excused and not voting, 7:

Bourne	Bromm	Landis	Pederson, D.
Brashear	Engel	Mines	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 233. With Emergency.

A BILL FOR AN ACT relating to animals; to amend sections 54-626 and 54-627, Revised Statutes Supplement, 2002; to change provisions in the Commercial Dog and Cat Operator Inspection Act; to require licensure and fees as prescribed; to change provisions relating to fees; 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, 41:

Aguilar	Cudaback	Jones	Price	Synowiecki
Baker	Erdman	Kremer	Quandahl	Thompson
Beutler	Foley	Kruse	Raikes	Tyson
Brown	Friend	Louden	Redfield	Vrtiska
Burling	Hartnett	Maxwell	Schimek	Wehrbein
Byars	Hudkins	McDonald	Schrock	
Chambers	Janssen	Mossey	Smith	
Combs	Jensen	Pedersen, Dw.	Stuhr	
Connealy	Johnson	Preister	Stuthman	

Voting in the negative, 0.

Present and not voting, 1:

Cunningham

Excused and not voting, 7:

Bourne	Bromm	Landis	Pederson, D.
Brashear	Engel	Mines	

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 233A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 233, Ninety-eighth Legislature, First Session, 2003; 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:

Aguilar	Connealy	Johnson	Preister	Stuhr
Baker	Erdman	Jones	Price	Stuthman
Beutler	Foley	Kremer	Quandahl	Synowiecki
Brown	Friend	Louden	Raikes	Thompson
Burling	Hartnett	Maxwell	Redfield	Tyson
Byars	Hudkins	McDonald	Schimek	Vrtiska
Chambers	Janssen	Mossey	Schrock	Wehrbein
Combs	Jensen	Pedersen, Dw.	Smith	

Voting in the negative, 0.

Present and not voting, 3:

Cudaback Cunningham Kruse

Excused and not voting, 7:

Bourne	Bromm	Landis	Pederson, D.
Brashear	Engel	Mines	

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 250 with 35 ayes, 3 nays, 4 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 250. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3512 and 2-3520, Reissue Revised Statutes of Nebraska, and sections 81-2,239,

81-2,244.01, 81-2,245.01, 81-2,257, 81-2,263, 81-2,270, 81-2,272.10, 81-2,272.15, 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, 81-2,272.28, 81-2,272.29, and 81-2,272.30, Revised Statutes Supplement, 2002; to change and eliminate provisions of the Nebraska Pure Food Act and the Nebraska Graded Egg Act; to define and redefine terms; to change and eliminate food handling and preparation requirements and fees; to harmonize provisions; to repeal the original sections; to outright repeal section 2-3517, Reissue Revised Statutes of Nebraska, and sections 81-2,270.01, 81-2,272.07 to 81-2,272.09, 81-2,272.11 to 81-2,272.13, and 81-2,272.18, Revised Statutes Supplement, 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, 42:

Aguilar	Cudaback	Johnson	Preister	Stuthman
Baker	Cunningham	Jones	Price	Synowiecki
Beutler	Erdman	Kremer	Quandahl	Thompson
Brown	Foley	Kruse	Raikes	Tyson
Burling	Friend	Louden	Redfield	Vrtiska
Byars	Hartnett	Maxwell	Schimek	Wehrbein
Chambers	Huddkins	McDonald	Schrock	
Combs	Janssen	Mossey	Smith	
Connealy	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Excused and not voting, 7:

Bourne	Bromm	Landis	Pederson, D.
Brashear	Engel	Mines	

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 259.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1415.04 and 74-1415.05, Reissue Revised Statutes of Nebraska, and section 74-1336, Revised Statutes Supplement, 2002; to change provisions relating to complaints regarding railroad crossings and loans by the Nebraska Railway Council for light-density rail lines; to provide for rules and regulations relating to railroad crossings; 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	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Baker	Cunningham	Jones	Preister	Stuthman
Beutler	Erdman	Kremer	Price	Synowiecki
Brown	Foley	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Tyson
Byars	Hartnett	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein
Combs	Janssen	Mines	Schrock	
Connealy	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 6:

Bourne	Bromm	Landis
Brashear	Engel	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 292 with 38 ayes, 2 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 292. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-1743, 77-1707, and 81-1174, Reissue Revised Statutes of Nebraska, and sections 60-3006, 77-101, 77-112, 77-115, 77-126, 77-129, 77-202.02, 77-202.11, 77-1311, 77-1502, 77-1706, 77-5004, and 79-1082, Revised Statutes Supplement, 2002; to change provisions relating to building permits and motor vehicle taxes; to define and redefine terms; to change notice requirements and eliminate reporting requirements; to change provisions relating to receipts issued by county treasurers; to change provisions relating to the Tax Equalization and Review Commission; to change school tax levy provisions; 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, 44:

Aguilar	Cudaback	Jensen	Mossey	Smith
Baker	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Beutler	Engel	Jones	Preister	Stuthman
Brown	Erdman	Kremer	Price	Synowiecki
Burling	Foley	Kruse	Quandahl	Thompson
Byars	Friend	Louden	Raikes	Tyson
Chambers	Hartnett	Maxwell	Redfield	Vrtiska
Combs	Hudkins	McDonald	Schimek	Wehrbein
Connealy	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Bourne	Brashear	Bromm	Landis	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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 294.

A BILL FOR AN ACT relating to unborn children; 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.

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	Cudaback	Jensen	Mossey	Stuhr
Baker	Cunningham	Johnson	Pedersen, Dw.	Stuthman
Beutler	Engel	Jones	Preister	Synowiecki
Brown	Erdman	Kremer	Price	Thompson
Burling	Foley	Kruse	Quandahl	Tyson
Byars	Friend	Louden	Redfield	Vrtiska
Chambers	Hartnett	Maxwell	Schimek	Wehrbein
Combs	Hudkins	McDonald	Schrock	
Connealy	Janssen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 5:

Bourne	Brashear	Bromm	Landis	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 333 with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 333.

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.

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	Cudaback	Jensen	Mossey	Smith
Baker	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Beutler	Engel	Jones	Preister	Stuthman
Brown	Erdman	Kremer	Price	Synowiecki
Burling	Foley	Kruse	Quandahl	Thompson
Byars	Friend	Louden	Raikes	Tyson
Chambers	Hartnett	Maxwell	Redfield	Vrtiska
Combs	Hudkins	McDonald	Schimek	Wehrbein
Connealy	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Bourne	Brashear	Bromm	Landis	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 333A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Ninety-eighth Legislature, First Session, 2003.

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	Cunningham	Kremer	Price	Synowiecki
Baker	Engel	Kruse	Quandahl	Thompson
Beutler	Erdman	Louden	Raikes	Tyson
Brown	Foley	Maxwell	Redfield	Vrtiska
Burling	Friend	McDonald	Schimek	Wehrbein
Byars	Hartnett	Mines	Schrock	
Chambers	Hudkins	Mossey	Smith	
Combs	Janssen	Pedersen, Dw.	Stuhr	
Connealy	Johnson	Preister	Stuthman	

Voting in the negative, 0.

Present and not voting, 3:

Cudaback	Jensen	Jones

Excused and not voting, 5:

Bourne	Brashear	Bromm	Landis	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 357 with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 357. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 32-221, 32-308, 32-312, and 67-293, Reissue Revised Statutes of Nebraska, and sections 32-223, 32-230, 32-231, 32-301, and 32-329, Revised Statutes Supplement, 2002; to change provisions for appointment of election board workers; to change provisions relating to registration of voters; to provide for transfers 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, 44:

Aguilar	Cudaback	Jensen	Mossey	Smith
Baker	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Beutler	Engel	Jones	Preister	Stuthman
Brown	Erdman	Kremer	Price	Synowiecki
Burling	Foley	Kruse	Quandahl	Thompson
Byars	Friend	Louden	Raikes	Tyson
Chambers	Hartnett	Maxwell	Redfield	Vrtiska
Combs	Hudkins	McDonald	Schimek	Wehrbein
Connealy	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Bourne	Brashear	Bromm	Landis	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 Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 357A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 357, Ninety-eighth Legislature, First Session, 2003; 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	Erdman	Kremer	Price	Synowiecki
Baker	Foley	Kruse	Quandahl	Thompson
Beutler	Friend	Louden	Raikes	Tyson
Burling	Hartnett	Maxwell	Redfield	Vrtiska
Byars	Hudkins	McDonald	Schimek	Wehrbein
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	
Connealy	Johnson	Pedersen, Dw.	Stuhr	
Cunningham	Jones	Preister	Stuthman	

Voting in the negative, 0.

Present and not voting, 2:

Brown Cudaback

Excused and not voting, 6:

Bourne	Bromm	Landis
Brashear	Engel	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 359.

A BILL FOR AN ACT relating to elections; to amend sections 32-312 and 32-319, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-914, 32-916, 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 provide for provisional ballots; 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	Cunningham	Jones	Preister	Stuthman
Bourne	Erdman	Kremer	Price	Synowiecki
Brown	Foley	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Tyson
Byars	Hartnett	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein
Combs	Janssen	Mines	Schrock	
Connealy	Jensen	Mossey	Smith	
Cudaback	Johnson	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 2:

Baker Beutler

Excused and not voting, 5:

Brashear Bromm Engel Landis Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senators Aguilar, Combs, Price, and Schimek asked unanimous consent to be excused until they return. 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 451 with 30 ayes, 3 nays, 7 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 451. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2302, 23-2315, 23-2334, 42-1111, 79-932, 81-2025, 84-1302, 84-1317, and 84-1320, Reissue Revised Statutes of Nebraska, and sections 2-1608, 23-2301, 23-2308.01, 23-2310.04, 23-2316, 23-2317, 23-2319, 23-2319.01, 23-2320, 23-2321, 24-701, 24-707, 24-708, 79-902, 79-956, 81-2014, 84-1301, 84-1309.02, 84-1314, 84-1318, 84-1319, 84-1321, 84-1321.01, 84-1322, 84-1323, and 84-1503, Revised Statutes Supplement, 2002; to change provisions relating to contributions, expenses, benefit payments and distributions, forfeitures, retirement value, death benefits, fund transfers, and qualified domestic relations orders; to define and redefine terms; to provide powers and duties; to change provisions relating to the Public Employees Retirement Board; 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, 38:

Baker	Cunningham	Johnson	Mossey	Stuhr
Bourne	Erdman	Jones	Pedersen, Dw.	Stuthman
Brown	Foley	Kremer	Preister	Synowiecki
Burling	Friend	Kruse	Quandahl	Thompson
Byars	Hartnett	Louden	Raikes	Tyson
Chambers	Hudkins	Maxwell	Redfield	Wehrbein
Connealy	Janssen	McDonald	Schrock	
Cudaback	Jensen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Beutler Vrtiska

Excused and not voting, 9:

Aguilar	Bromm	Engel	Pederson, D.	Schimek
Brashear	Combs	Landis	Price	

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 487.

A BILL FOR AN ACT relating to insurance; to adopt the Model Act Regarding Use of Credit Information in Personal Insurance; and to provide severability.

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	Cudaback	Jensen	McDonald	Schrock
Beutler	Cunningham	Johnson	Mines	Smith
Bourne	Erdman	Jones	Mossey	Stuhr
Brown	Foley	Kremer	Pedersen, Dw.	Stuthman
Burling	Friend	Kruse	Preister	Synowiecki
Byars	Hartnett	Landis	Quandahl	Thompson
Chambers	Hudkins	Louden	Raikes	Tyson
Connealy	Janssen	Maxwell	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 8:

Aguilar	Bromm	Engel	Price
Brashear	Combs	Pederson, D.	Schimek

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 524 with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 524.

A BILL FOR AN ACT relating to state government; to amend sections 21-302, 21-303, 21-305, 21-311, 21-314, 21-321, 21-323.01, 21-325.01, 21-330, 21-20,182, 21-20,188, 21-2216, and 21-2217, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-304, 21-306, 21-313, 21-323, 21-325, and 33-101, Revised Statutes Supplement, 2002; to change corporate occupation tax provisions; to change fees relating to certain records of the Secretary of State; to eliminate obsolete provisions; 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:

Baker	Cudaback	Johnson	Mossey	Smith
Beutler	Cunningham	Jones	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kremer	Preister	Stuthman
Brown	Foley	Kruse	Price	Synowiecki
Burling	Friend	Landis	Quandahl	Thompson
Byars	Hartnett	Louden	Raikes	Tyson
Chambers	Hudkins	Maxwell	Redfield	Vrtiska
Combs	Janssen	McDonald	Schimek	Wehrbein
Connealy	Jensen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Aguilar Brashear Bromm Engel 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 607 with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 607.

A BILL FOR AN ACT relating to government; to amend sections 39-868 and 50-1201 to 50-1215, Reissue Revised Statutes of Nebraska, and sections 13-503, 50-1303, and 84-304, Revised Statutes Supplement, 2002; to provide and change provisions relating to bridge commissions; to change provisions relating to the Legislative Program Evaluation Act; to rename the act, a committee, and a unit; to define and redefine terms; to provide for performance audits; to eliminate provisions relating to program evaluations; to change and provide duties for the Auditor of Public Accounts; 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	Connealy	Jensen	Mines	Schrock
Baker	Cudaback	Johnson	Mossey	Smith
Beutler	Cunningham	Jones	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kremer	Preister	Stuthman
Brown	Foley	Kruse	Price	Synowiecki
Burling	Friend	Landis	Quandahl	Thompson
Byars	Hartnett	Louden	Raikes	Tyson
Chambers	Hudkins	Maxwell	Redfield	Vrtiska
Combs	Janssen	McDonald	Schimek	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Brashear Bromm Engel 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 619 with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 619. With Emergency.

A BILL FOR AN ACT relating to natural resources; to amend sections 46-656.01, 46-656.02, and 46-683, Reissue Revised Statutes of Nebraska, and sections 2-1575, 46-122, 46-241, 46-242, 46-257, 46-613.01, 46-642, 46-656.12, 46-691, 54-2401, 54-2412, and 66-1701, Revised Statutes Supplement, 2002; to provide for payments from the Nebraska Soil and Water Conservation Fund for water use; to provide for nondelivery of water in certain circumstances and limit liability as prescribed; to change provisions relating to water storage facilities, livestock waste control facilities, and ground water management; to provide powers and duties; to extend a termination date for the Biopower Steering Committee; to harmonize provisions; to provide severability; 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, 44:

Aguilar	Connealy	Jensen	Mines	Schrock
Baker	Cudaback	Johnson	Mossey	Smith
Beutler	Cunningham	Jones	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kremer	Preister	Stuthman
Brown	Foley	Kruse	Price	Thompson
Burling	Friend	Landis	Quandahl	Tyson
Byars	Hartnett	Louden	Raikes	Vrtiska
Chambers	Hudkins	Maxwell	Redfield	Wehrbein
Combs	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 4:

Brashear Bromm Engel 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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 688.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to provide for paying a stipend to or restricting hours of participation for persons competing in intercollegiate athletics; and to provide for applicability of provisions.

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, 26:

Aguilar	Foley	Louden	Raikes	Vrtiska
Beutler	Hartnett	Maxwell	Schimek	Wehrbein
Bourne	Hudkins	Mines	Schrock	
Brown	Janssen	Mossey	Stuthman	
Chambers	Kruse	Pedersen, Dw.	Thompson	
Cudaback	Landis	Preister	Tyson	

Voting in the negative, 9:

Burling	Combs	Friend	Redfield	Stuhr
Byars	Erdman	Price	Smith	

Present and not voting, 10:

Baker	Cunningham	Johnson	Kremer	Quandahl
Connealy	Jensen	Jones	McDonald	Synowiecki

Excused and not voting, 4:

Brashear Bromm Engel Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 726.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1254, and 81-1255, Reissue Revised Statutes

of Nebraska; to change provisions relating to imposition of a lodging tax, creation of a County Visitors Improvement Fund, and establishment of a visitors committee; 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, 29:

Aguilar	Connealy	Kruse	Pedersen, Dw.	Stuthman
Beutler	Foley	Landis	Price	Synowiecki
Bourne	Hartnett	Louden	Quandahl	Thompson
Brown	Hudkins	Maxwell	Schimek	Tyson
Byars	Janssen	McDonald	Schrock	Wehrbein
Chambers	Johnson	Mossey	Stuhr	

Voting in the negative, 11:

Burling	Erdman	Kremer	Smith
Combs	Friend	Raikes	Vrtiska
Cunningham	Jensen	Redfield	

Present and not voting, 5:

Baker	Cudaback	Jones	Mines	Preister

Excused and not voting, 4:

Brashear	Bromm	Engel	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.

LEGISLATIVE BILL 756.

A BILL FOR AN ACT relating to health; to adopt the Cancer Drug Repository Program Act; and to provide an operative date.

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	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Preister	Stuthman
Bourne	Erdman	Kremer	Price	Synowiecki
Brown	Foley	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Tyson
Byars	Hartnett	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Brashear	Bromm	Engel	Landis	Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 756A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 756, Ninety-eighth Legislature, First Session, 2003.

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	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cunningham	Jones	Preister	Stuthman
Beutler	Erdman	Kremer	Price	Synowiecki
Bourne	Foley	Kruse	Quandahl	Thompson
Brown	Friend	Louden	Raikes	Tyson
Burling	Hartnett	Maxwell	Redfield	Vrtiska
Byars	Hudkins	McDonald	Schimek	Wehrbein
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 5:

Brashear Bromm Engel Landis Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 148 to Select File

Senator Friend moved to return LB 148 to Select File for the Landis specific pending amendment, AM1197, found on page 1197.

The Friend motion to return prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 148. The Landis specific pending amendment, AM1197, found on page 1197, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

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

WITHDRAW - Amendment to LB 165

Senator Landis withdrew his pending amendment, AM1270, found on page 1235, to LB 165.

SPEAKER BROMM PRESIDING

MOTION - Return LB 165 to Select File

Senator Preister moved to return LB 165 to Select File for the following specific amendment:

AM1274

(Amendments to Final Reading copy)

- 1 1. On page 9, line 13, after "plant" insert "and does
- 2 not authorize reimbursement of any costs related to prosecuting or
- 3 defending any claims by such entity against the State of Nebraska
- 4 or any of its political subdivisions".

The Preister motion to return failed with 15 ayes, 16 nays, 13 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 165. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 18-2410, 18-2427, 18-2430, 18-2433, 18-2446, and 70-627.02, Reissue Revised Statutes of Nebraska; to state intent and provide for shipping fees for radioactive and transuranic waste as prescribed; to create a fund; to provide powers and duties; to change and eliminate provisions relating to power projects under the Municipal Cooperative Financing Act; to provide for indemnification by power districts for certain acts of negligence as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 18-2429, 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, 29:

Aguilar	Cudaback	Jensen	Mossey	Stuhr
Baker	Erdman	Johnson	Pedersen, Dw.	Stuthman
Bromm	Friend	Jones	Price	Tyson
Burling	Hartnett	Kremer	Raikes	Vrtiska
Byars	Hudkins	Kruse	Schrock	Wehrbein
Connealy	Janssen	Louden	Smith	

Voting in the negative, 10:

Bourne	Combs	Mines	Redfield	Synowiecki
Chambers	Cunningham	Preister	Schimek	Thompson

Present and not voting, 5:

Beutler	Brown	Maxwell	McDonald	Quandahl

Excused and not voting, 5:

Brashear	Engel	Foley	Landis	Pederson, D.

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, 26:

Aguilar	Erdman	Jones	Raikes	Vrtiska
Baker	Hartnett	Kremer	Schrock	Wehrbein
Bromm	Hudkins	Kruse	Smith	
Burling	Janssen	Louden	Stuhr	
Byars	Jensen	Mossey	Stuthman	
Cudaback	Johnson	Pedersen, Dw.	Tyson	

Voting in the negative, 10:

Bourne	Combs	Mines	Redfield	Synowiecki
Chambers	Cunningham	Preister	Schimek	Thompson

Present and not voting, 8:

Beutler	Connealy	Maxwell	Price
Brown	Friend	McDonald	Quandahl

Excused and not voting, 5:

Brashear	Engel	Foley	Landis	Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 165A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 165, Ninety-eighth Legislature, First Session, 2003; 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:

Aguilar	Connealy	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Bromm	Erdman	Jones	Preister	Thompson
Burling	Friend	Kremer	Raikes	Tyson
Byars	Hartnett	Kruse	Schrock	Vrtiska
Combs	Janssen	Louden	Smith	Wehrbein

Voting in the negative, 3:

Bourne	Chambers	Cunningham

Present and not voting, 11:

Beutler	Maxwell	Price	Schimek
Brown	McDonald	Quandahl	Synowiecki
Hudkins	Mines	Redfield	

Excused and not voting, 5:

Brashear	Engel	Foley	Landis	Pederson, D.

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, 32:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Thompson
Baker	Cudaback	Johnson	Quandahl	Tyson
Bromm	Erdman	Jones	Raikes	Vrtiska
Brown	Friend	Kremer	Schrock	Wehrbein
Burling	Hartnett	Kruse	Smith	
Byars	Hudkins	Louden	Stuhr	
Combs	Janssen	Mossey	Stuthman	

Voting in the negative, 3:

Bourne	Chambers	Cunningham

Present and not voting, 9:

Beutler	McDonald	Preister	Redfield	Synowiecki
Maxwell	Mines	Price	Schimek	

Excused and not voting, 5:

Brashear	Engel	Foley	Landis	Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

ANNOUNCEMENT

The Chair announced today is Senator Bourne's birthday.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 111, 175, 186, 233, 233A, 250, 259, 292,

294, 333, 333A, 357, 357A, 359, 451, 487, 524, 607, 619, 688, 726, 756, and 756A.

UNANIMOUS CONSENT - Member Excused

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

WITHDRAW - Amendment to LB 305

Senator Erdman withdrew his pending amendment, AM0794, found on page 844, to LB 305.

MOTION - Return LB 305 to Select File

Senator Erdman moved to return LB 305 to Select File for the Erdman et al. specific pending amendment, AM1033, found on page 1083.

SENATOR CUDABACK PRESIDING

The Erdman motion to return prevailed with 29 ayes, 10 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 305. The Erdman et al. specific pending amendment, AM1033, found on page 1083, was renewed.

Senator Chambers offered the following motion:
Bracket until May 10, 2003.

Senator Chambers withdrew his motion to bracket.

Senator Chambers asked unanimous consent to bracket LB 305 until April 22, 2003. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: LBs 165 and 165A.

(Signed) Ray Mossey, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 165 and 165A.

RESOLUTIONS**LEGISLATIVE RESOLUTION 71.** Introduced by Smith, 48.

WHEREAS, the Minatare LifeSmarts Team won the State LifeSmarts Competition in Kearney on March 1, 2003; and

WHEREAS, by winning the state competition the Minatare LifeSmarts Team has earned a trip to the National LifeSmarts Competition in April in Lake Buena Vista, Florida; and

WHEREAS, the LifeSmarts is a consumer education competition for teenagers in grades 9 through 12, covering topics including, but not limited to, personal finance, health and safety, the environment, technology, and consumer rights and responsibilities; and

WHEREAS, students must pass a series of three tests to qualify for the LifeSmarts team; and

WHEREAS, this is the second consecutive State LifeSmarts Championship won by the Minatare LifeSmarts Team; and

WHEREAS, the Minatare LifeSmarts Team earned this honor through the hard work, perseverance, and dedication of Coach Candace Frey and team members Kayla Fry, Heather Kreiling, Tansy Quillman, Josh Sandoz, and Jake Stitt.

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

1. That the Legislature congratulates the coach and members of the LifeSmarts Team.

2. That a copy of this resolution be sent to the Minatare LifeSmarts Team.

Laid over.

LEGISLATIVE RESOLUTION 72. Introduced by Hudkins, 21.

WHEREAS, the Malcolm High School Speech Team, comprised of Lauren Benda, Michael Booton, Tacia Booton, Mike Dvorak, Sophie Eicher, Elizabeth Fry, Clark Lacy, Parker Lacy, Jaime Link, Amber Nabity, Jason Rippe, Matt Rosenau, Kelsey Skolnik, Nicole Smathers, Sharice Ward, and coached by Shari Johnson, won the Nebraska C-1 State Speech Championship, held in Kearney, Nebraska, on March 20, 2003; and

WHEREAS, the 2003 team victory is the fifth Nebraska C-1 State Speech Championship won in a row by the Malcolm High School Speech Team; and

WHEREAS, the 2003 team victory was augmented by outstanding individual performances, including: state championships in the "Persuasive" category by Amber Nabity and the "Informative" category by Sharice Ward; state runner-up places in the "Extemporaneous" category by Matt Rosenau

and the "Humorous" category by Michael Booton; state superior rating recognitions in the "Persuasive" category by Matt Rosenau, the "Poetry" and "Serious" categories by Kelsey Skolnik, and the "O.I.D." category by Michael Booton, Tacia Booton, Clark Lacy, Nicole Smathers, and Sharice Ward; and

WHEREAS, Coach Shari Johnson and the members of the Malcolm High School Speech Team deserve recognition and commendation not only for winning the 2003 Nebraska C-1 State Speech Championship but also for perpetuating a tradition of excellence established by their school's previous speech teams; and

WHEREAS, the accomplishment of both the 2003 and the four preceding Nebraska C-1 State Speech Championships are a testament to the skill, talents, hard work, and determination of the Malcolm High School Speech Team, not to mention excellent coaching and the unwavering support of Malcolm High School's parents, students, teachers, staff, and administrators.

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

1. That the Legislature congratulates the members of the 2002-03 Malcolm High School Speech Team and their coach, Shari Johnson, for their team and individual achievements.

2. That a copy of this resolution be sent to Malcolm High School and Coach Shari Johnson.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Wootton Sr., Edward R. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS **Revenue**

LEGISLATIVE BILL 302. Placed on General File as amended.

(Standing Committee amendment, AM1250, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 540. Placed on General File as amended.

(Standing Committee amendment, AM1287, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 111e, 175, 186, 233e, 233Ae, 250e, and 259.

(Signed) L. Patrick Engel

Had I been present, I would have voted "aye" on final passage of LB 111e.

(Signed) Mark Quandahl

Had I been present, I would have voted "aye" on final passage of LBs 451e and 487.

(Signed) Jeanne M. Combs

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 602:
AM1294

(Amendments to Standing Committee amendments, AM0971)

- 1 1. On page 1, line 6, after "cloning" insert "that
2 involves implanting an embryo in a uterus"; and strike beginning
3 with the comma in line 7 through "humans" in line 11.
- 4 2. On page 2, line 8, after "cloning" insert "when such
5 action may reasonably create the potential for a pregnancy".

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 303. Placed on Select File as amended.

(E & R amendment, AM7100, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 265A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 332. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 fourth-grade students and sponsors from Weeping Water; 66 fourth-grade students and teachers from Wasmer Elementary School, Grand Island; 60 fourth-grade students and teachers from Falls City; and 15 fourth-grade students from Abundant Life Lutheran School, Omaha.

The Doctor of the Day was Dr. Don Mantz from Lincoln.

ADJOURNMENT

At 1:11 p.m., on a motion by Senator Burling, the Legislature adjourned until 9:00 a.m., Monday, April 14, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 14, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 14, 2003

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 Senator Bourne who was excused; and Senators Beutler, Brashear, Brown, Combs, Connealy, Engel, Kremer, Landis, Louden, Maxwell, Preister, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2003, at 1:23 p.m. were the following: LBs 111e, 165, 165A, 175, 186, 233e, 233Ae, 250e, 259, 292e, 294, 333, 333A, 357e, 357Ae, 359, 451e, 487, 524, 607, 619e, 688, 726, 756, and 756A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

ATTORNEY GENERAL'S OPINION**Opinion # 03009**

DATE: April 11, 2003

SUBJECT: Changing the Boundaries of Community College Areas

REQUESTED BY: Senator Tom Baker

Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office regarding the constitutionality of potential legislation to change the boundaries of the community college areas. The state is currently divided into six community college areas pursuant to Neb. Rev. Stat. § 85-1504 (1999). Your question is whether it is constitutional to change, legislatively, the boundaries of the community college areas or whether the counties would be required to vote on their "district affiliation." It is our understanding, after our telephone conversation, that you do not have a concern as to a specific constitutional provision. Rather, you are asking our general opinion whether this type of legislation may be constitutionally suspect in light of the original statutory scheme which provided for a vote of area citizens prior to the forming or joining of community college areas.

The current statutes governing community colleges are found at Neb. Rev. Stat. §§ 85-1501 through 85-1542 (1999 and Cum. Supp. 2002). In reviewing the history of these statutes, we have found that the current scheme was enacted in 1975 after provisions of a prior act, the Technical Community College Area Act, were found unconstitutional by the Nebraska Supreme Court in *State ex rel. Western Nebraska Technical Community College Area v. Tallon*, 192 Neb. 201, 219 N.W.2d 454 (1974). Specifically, a prior statute was found to provide for a property tax to support a state purpose contrary to Article VIII, § 1A of the Nebraska Constitution. As described by the Nebraska Supreme Court, the Technical Community College Area Act of 1971 "designated eight different community college areas but did not place each of the counties in the State of Nebraska into an area but left the forming or joining of areas to the vote of the citizens, or otherwise for designation by the Legislature during the 1973 legislative session, since the Act did not become fully effective operatively until July 1, 1973." *Id.* at 205, 219 N.W.2d at 457. Neb. Rev. Stat. § 85-1504, which divides the state into six community college areas, was enacted in 1975 as part of the new statutory scheme to address the concerns of the Nebraska Supreme Court. The old statutory provisions which provided for a vote to be held prior to the establishment of these community college areas were not included in the new statutory scheme.

We are unaware of any state constitutional provision that would restrict the Legislature in changing the boundaries of any of the community college areas. As a general principle, the Legislature may legislate on any subject not inhibited by the state or federal constitutions and restrictions on this legislative power will not be inferred unless the restriction is clearly implied. *State ex rel. Creighton Univ. v. Smith*, 217 Neb. 682, 353 N.W.2d 267 (1984); *Lenstrom v. Thone*, 209 Neb. 783, 311 N.W.2d 884 (1981). While Nebraska statutes at one time provided for a vote of the citizens in an area as one means of establishing a community college area, the statutes

which were enacted after the community college areas had been established no longer provide such an option and we know of no constitutional provision that would require that the voters of each county or community college area vote on a change in the boundaries of their community college area.

Sincerely,
JON BRUNING
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature
09-551-11.op

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 305:
FA1302

- 7 Sec. 1. Section 37-1015, Reissue Revised Statutes of
8 Nebraska, is amended to read:
9 37-1015. (1) The position of State Recreational Trails
10 Coordinator ~~is~~ may be established. ~~The coordinator shall be and~~
11 appointed by the Game and Parks Commission. Necessary office
12 space, furniture, equipment, and supplies as well as necessary
13 professional, technical, and clerical assistance shall be provided
14 by the commission.
15 (2) The duties of the State Recreational Trails
16 Coordinator shall include, but not be limited to:
17 (a) Maintaining and updating the Nebraska Comprehensive
18 Trails Plan. For purposes of this section, Nebraska Comprehensive
19 Trails Plan means the document dated July 1994 and entitled A
20 Network of Discovery: A Comprehensive Trails Plan for the State of
21 Nebraska;
22 (b) Marketing and promoting trails across the state;
23 (c) Maintaining and updating an inventory of trails
24 programs in Nebraska;
25 (d) Providing a central point for exchanging information
26 among communities with trails programs;
27 (e) Providing organizational and technical assistance to
1 communities and regional groups;
2 (f) Managing the state trails application and evaluation
3 process;
4 (g) Coordinating state government's trails development
5 efforts and administering the state trails program;
6 (h) Preparing and publishing an annual report on trails
7 development in the state;
8 (i) Monitoring and filing paperwork on rail abandonments

9 when necessary, consistent with rail-watch corridors established by
10 the Nebraska Comprehensive Trails Plan or its updates; and
11 (j) Managing other right-of-way acquisition efforts when
12 state involvement becomes necessary.

Senator Hudkins filed the following amendment to LB 305:
FA1303

4 Section 37-1253, Reissue Revised Statutes of
5 Nebraska, is amended to read:
6 37-1253. (1) No person shall operate or give permission
7 for the operation of a motorboat on the waters of this state in
8 such a manner as to exceed a noise level of 96 decibels when
9 measured at one hundred feet or more on plane using the A-weighting
10 network of a sound level meter complying with the standards set
11 forth in S1.4-1983 (R 2001) of the American National Standards
12 Institute, as those standards existed on the operative date of this
13 section.

GENERAL FILE

LEGISLATIVE BILL 494. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 2 present and not voting, and 13 excused and not voting.

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

LEGISLATIVE BILL 464. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 2 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 481. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 521. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 349. Title read. Considered.

The Standing Committee amendment, AM0399, found on page 561, was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 498. 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 461. Title read. Considered.

Advanced to E & R for review with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 548. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.

The Standing Committee amendment, AM0472, found on page 618, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 529. Title read. Considered.

The Standing Committee amendment, AM0504, found on page 619, was considered.

Senator Schimek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Standing Committee amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Baker moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Voting in the affirmative, 20:

Aguilar	Burling	Janssen	Pedersen, Dw.	Schimek
Baker	Cudaback	Jensen	Pederson, D.	Schrock
Beutler	Foley	Johnson	Price	Smith
Bromm	Hartnett	Kruse	Quandahl	Tyson

Voting in the negative, 19:

Byars	Friend	Landis	Raikes	Synowiecki
Combs	Hudkins	McDonald	Redfield	Thompson
Cunningham	Jones	Mines	Stuhr	Wehrbein
Erdman	Kremer	Preister	Stuthman	

Present and not voting, 3:

Chambers	Maxwell	Vrtiska

Excused and not voting, 7:

Bourne	Brown	Engel	Mossey
Brashear	Connealy	Louden	

Failed to advance to E & R for review with 20 ayes, 19 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 149. Title read. Considered.

The Standing Committee amendment, AM0493, found on page 621, 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 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 510. 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.

LEGISLATIVE BILL 707. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 701. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

The Standing Committee amendment, AM0394, found on page 753, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 235. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 476. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 97. Title read. Considered.

The Standing Committee amendment, AM0413, found on page 766, 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

The Standing Committee amendment, AM0532, found on page 804, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 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 354. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SPEAKER BROMM PRESIDING

LEGISLATIVE BILL 610. 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 118. Title read. Considered.

The Standing Committee amendment, AM0609, found on page 824, 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 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 444. Title read. Considered.

The Standing Committee amendment, AM0856, printed separately and referred to on page 985, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 454. Title read. Considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 735. Placed on Select File as amended.

(E & R amendment, AM7102, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 735A. Placed on Select File.

LEGISLATIVE BILL 255. Placed on Select File.

LEGISLATIVE BILL 743. Placed on Select File as amended.

E & R amendment to LB 743:

AM7101

- 1 1. On page 1, lines 1 and 5, strike "section" and insert
- 2 "sections"; and in line 2 before "75-156" insert "75-109.01,

3 75-132.01, 75-134, and".

LEGISLATIVE BILL 367. Placed on Select File as amended.

E & R amendment to LB 367:

AM7103

1 1. On page 1, strike beginning with "the" in line 1
2 through line 4 and insert "government; to amend section 81-15,121,
3 Reissue Revised Statutes of Nebraska, and section 9-812, Revised
4 Statutes Supplement, 2002; to change the allocation of lottery
5 proceeds under the State Lottery Act; to eliminate obsolete
6 provisions; to provide for a transfer of funds from the Underground
7 Storage Tank Fund; to provide an operative date; and to repeal the
8 original sections.".

(Signed) Ray Mossey, Chairperson

VISITORS

Visitors to the Chamber were 10 twelfth-grade students and teacher from Sterling; 18 fourth-grade students and teacher from Watson Elementary School, Hastings; Steve Brock from Omaha; 27 fourth-grade students and teacher from Wildwood Elementary School, Ralston; and 37 fourth-grade students and teachers from Westside Elementary School, Norfolk.

RECESS

At 12:00 p.m., on a motion by Senator Preister, 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 Bourne who was excused; and Senators Bromm, Engel, Landis, and Loudon who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 454. Considered.

Senator Beutler offered the following amendment:

FA1304

On page 2, line 12 before the second court add "district"

On page 2, line 12 strike "is" and substitute "shall be"

On page 2, line 13 strike "any"

On page 2, line 13 after "rules" add "which shall be"

Strike Section 3.

SPEAKER BROMM PRESIDING

Senator Chambers offered the following amendment to the Beutler pending amendment:

FA1306

Amend FA1304

Add: On page 2 in line 14 put a period after "program" and in line 15 strike "within the court system.", and in lines 16 and 17 strike "of criminal behavior"

Senators Brashear and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senators Combs, Friend, and Price asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment to the Beutler pending amendment:

FA1307

Amend FA1304

On page 2 in line 6 strike "of criminal behavior"; and in line 9 strike "certain" and insert "drug" and strike "component of the" and insert "to."

The Chambers amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The Beutler amendment, FA1304, as amended, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Hartnett offered the following amendment:

FA1308

- 1 1. Strike sections 2 to 7 and insert the following
- 2 section:
- 3 "Sec. 2. Drug court programs shall be subject to rules
- 4 which shall be promulgated by the Supreme Court for procedures to
- 5 be implemented in the administration of such programs.

Pending.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 46A:
AM1303

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 7. There is hereby appropriated (1) \$9,000 from
- 3 the General Fund for FY2003-04 and (2) \$9,000 from the General Fund
- 4 for FY2004-05 to the Supreme Court, for Program 67, to aid in
- 5 carrying out the provisions of Legislative Bill 46, Ninety-eighth
- 6 Legislature, First Session, 2003.
- 7 Sec. 8. There is hereby appropriated (1) \$9,000 from the
- 8 General Fund for FY2003-04 and (2) \$9,000 from the General Fund for
- 9 FY2004-05 to the Department of Correctional Services, for Program
- 10 200, to aid in carrying out the provisions of Legislative Bill 46,
- 11 Ninety-eighth Legislature, First Session, 2003."
- 12 2. Renumber the remaining section accordingly.

Senator Foley filed the following amendment to LB 454:
FA1305

Strike lines 5 and 6 of page 3.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications
Room 1113

Tuesday, April 29, 2003

1:00 p.m.

Edward R. Wootton Sr. - Board of Public Roads Classifications and Standards

(Signed) Tom Baker, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 743. No objections. So ordered.

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

VISITORS

Visitors to the Chamber were 32 fourth-grade students and teacher from Grant Elementary School, Norfolk; 45 fourth-grade students and teachers from Hitchcock Elementary School, Omaha; 27 fourth-grade students and teachers from Lincoln Elementary School, Norfolk; Mariam Gabedava from the Republic of Georgia; and 5 kindergarten through eighth-grade students and teacher from Strang.

ADJOURNMENT

At 4:06 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Tuesday, April 15, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 15, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 15, 2003

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 Senator Engel who was excused; and Senators Baker, Brashear, Combs, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 454. Senator Hartnett renewed his pending amendment, FA1308, found on page 1276.

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

The Hartnett amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Foley withdrew his pending amendment, FA1305, found on page 1277.

Advanced to E & R for review with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Senator Foley offered the following amendment:

FA1309

On page 2 line 9 insert a period after October 1, 2003 and strike the rest of the sentence.

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

SPEAKER BROMM PRESIDING

Senator Tyson moved the previous question. The question is, "Shall the debate now close?"

Senator Tyson 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 the motion to cease debate.

Voting in the affirmative, 29:

Aguilar	Erdman	Kremer	Pederson, D.	Stuhr
Baker	Friend	Kruse	Quandahl	Stuthman
Brown	Hudkins	McDonald	Raikes	Tyson
Burling	Jensen	Mines	Redfield	Vrtiska
Combs	Johnson	Mossey	Schrock	Wehrbein
Cunningham	Jones	Pedersen, Dw.	Smith	

Voting in the negative, 12:

Beutler	Connealy	Landis	Schimek
Bourne	Foley	Preister	Synowiecki
Chambers	Hartnett	Price	Thompson

Present and not voting, 5:

Bromm	Byars	Cudaback	Janssen	Maxwell

Excused and not voting, 3:

Brashear	Engel	Louden

The motion to cease debate prevailed with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

The Foley amendment lost with 15 ayes, 23 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 67 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 67.

GENERAL FILE

LEGISLATIVE BILL 435. Senator Schimek offered the following amendment:

FA1310

On line 8 by striking "five dollars and eighty cents" and inserting "six dollars."

Pending.

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 232:
AM1340

- 1 1. On page 3, line 21, after the period insert "The fund
- 2 may also be used to reimburse members of the County Records
- 3 Improvement Grant Fund Committee for their actual and necessary
- 4 expenses.".
- 5 2. On page 4, line 2, strike "State Treasurer" and
- 6 insert "Secretary of State"; and in line 12 after the period insert
- 7 "For administrative purposes, the grant committee shall be located
- 8 in the office of the Secretary of State.".

VISITORS

Visitors to the Chamber were 37 fourth- and sixth-grade students and teachers from Lewiston; 60 sixth-grade students and teachers from Edison Elementary School, Omaha; 31 fourth-grade students and teachers from Sutton; 25 members of the Nebraska Federation of Women's Clubs from across the state; and 60 fourth-grade students and teachers from Hickory Hill Elementary School, Papillion.

RECESS

At 11:57 a.m., on a motion by Senator Hartnett, 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 Engel who was excused; and Senators Byars, Landis, and Maxwell who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 435. The Schimek pending amendment, FA1310, found in this day's Journal, was renewed.

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

Senator Schimek withdrew her amendment.

Senator Beutler offered the following amendment:

FA1311

On line 10, page 2 strike "and thirty cents" and strike "2004" and insert "2005"

SPEAKER BROMM PRESIDING

Senators Cudaback and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Aguilar	Byars	Friend	Preister	Thompson
Beutler	Chambers	Hartnett	Price	Wehrbein
Brashear	Connealy	Kruse	Raikes	
Bromm	Erdman	Maxwell	Schimek	
Brown	Foley	Mossey	Synowiecki	

Voting in the negative, 18:

Baker	Cunningham	Jones	Redfield	Tyson
Bourne	Hudkins	McDonald	Smith	Vrtiska
Burling	Jensen	Mines	Stuhr	
Combs	Johnson	Quandahl	Stuthman	

Present and not voting, 5:

Janssen Kremer Louden Pederson, D. Schrock

Excused and not voting, 4:

Cudaback Engel Landis Pedersen, Dw.

The Beutler amendment lost with 22 ayes, 18 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA1313

On line 8 strike "eighty" and insert "forty-five"

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

SENATOR VRTISKA PRESIDING

Senator Redfield offered the following amendment to the Chambers pending amendment:

FA1314

Amend FA1313

On line 8 strike "eighty" and insert "forty-five".

On lines 9-10 strike "six dollars and thirty cents" and insert "five dollars and seventy-five cents".

SPEAKER BROMM PRESIDING

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

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

Senator Redfield moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Redfield amendment was adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, as amended, was adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

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
Bernard J. Slowik

VOTE: Aye: Senators Dw. Pedersen, Hudkins, Baker, Jones, Stuthman, Smith, and Aguilar. Nay: None. Absent: Senator Brown.

(Signed) Tom Baker, Chairperson

AMENDMENT - Print in Journal

Senators Preister, Chambers, and Schrock filed the following amendment to LB 367:

AM1323

- 1 1. Strike the Schrock et al. amendment, AM1261, and all
- 2 amendments thereto and insert the following new section:
- 3 "Sec. 2. Section 66-1519, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 66-1519. There is hereby created the Petroleum Release
- 6 Remedial Action Cash Fund to be administered by the department.
- 7 Revenue from the following sources shall be remitted to the State
- 8 Treasurer for credit to the fund:
- 9 (1) The fees imposed by sections 66-1520 and 66-1521;
- 10 (2) Money paid under an agreement, stipulation,
- 11 cost-recovery award under section 66-1529.02, or settlement; and
- 12 (3) Money received by the department in the form of
- 13 gifts, grants, reimbursements, property liquidations, or
- 14 appropriations from any source intended to be used for the purposes
- 15 of the fund.
- 16 Money in the fund may be spent for: (a) Reimbursement for
- 17 the costs of remedial action by a responsible person or his or her
- 18 designated representative and costs of remedial action undertaken
- 19 by the department in response to a release first reported after
- 20 July 17, 1983, and on or before June 30, 2005, including
- 21 reimbursement for damages caused by the department or a person
- 22 acting at the department's direction while investigating or
- 23 inspecting or during remedial action on property other than
- 24 property on which a release or suspected release has occurred; (b)
- 1 payment of any amount due from a third-party claim; (c) fee

2 collection expenses incurred by the State Fire Marshal; (d) direct
3 expenses incurred by the department in carrying out the Petroleum
4 Release Remedial Action Act; (e) other costs related to fixtures
5 and tangible personal property as provided in section 66-1529.01;
6 (f) interest payments as allowed by section 66-1524; (g) expenses
7 incurred by the technical advisory committee created in section
8 81-15,189 in carrying out its duties pursuant to section 81-15,190;
9 (h) claims approved by the State Claims Board authorized under
10 section 66-1531; (i) a grant to a city of the metropolitan class in
11 the amount of three hundred thousand dollars, provided within five
12 days after the operative date of this act, to carry out the federal
13 Residential Lead-Based Paint Hazard Reduction Act of 1992, 42
14 U.S.C. 4851 et seq., as such act existed on the operative date of
15 this act; and ~~(h)~~ (j) methyl tertiary butyl ether testing, to be
16 conducted randomly at terminals within the state for up to two
17 years ending June 30, 2003. The amount expended on the testing
18 shall not exceed forty thousand dollars. The testing shall be
19 conducted by the Department of Agriculture. The department may
20 enter into contractual arrangements for such purpose. The results
21 of the tests shall be made available to the Department of
22 Environmental Quality.

23 Transfers may be made from the Petroleum Release Remedial
24 Action Cash Fund to the General Fund at the direction of the
25 Legislature. Transfers may be made from the Petroleum Release
26 Remedial Action Cash Fund to the Water Policy Task Force Cash Fund
27 at the direction of the Legislature.

1 Any money in the Petroleum Release Remedial Action Cash
2 Fund available for investment shall be invested by the state
3 investment officer pursuant to the Nebraska Capital Expansion Act
4 and the Nebraska State Funds Investment Act. ~~Within fifteen days~~
5 ~~after July 1, 2002, the State Treasurer shall transfer six million~~
6 ~~dollars from the Petroleum Release Remedial Action Cash Fund to the~~
7 ~~General Fund.~~
8 ~~Within fifteen days after July 20, 2002, the State~~
9 ~~Treasurer shall transfer one hundred fifty thousand dollars from~~
10 ~~the Petroleum Release Remedial Action Cash Fund to the Water Policy~~
11 ~~Task Force Cash Fund."~~

12 2. Amend the repealer and renumber the remaining
13 sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Erdman and Friend asked unanimous consent to have their names added as cointroducers to LB 95. No objections. So ordered.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 494. Placed on Select File.

LEGISLATIVE BILL 464. Placed on Select File as amended.

(E & R amendment, AM7105, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 480. Placed on Select File.

LEGISLATIVE BILL 481. Placed on Select File as amended.

E & R amendment to LB 481:

AM7104

- 1 1. On page 1, lines 3 and 4, strike "failure to stop at
- 2 a weighing station" and insert "state weighing stations and
- 3 portable scales".
- 4 2. On page 2, line 13, after "Patrol" insert an
- 5 underscored comma.

LEGISLATIVE BILL 521. Placed on Select File.

LEGISLATIVE BILL 349. Placed on Select File as amended.

E & R amendment to LB 349:

AM7106

- 1 1. On page 1, line 2, strike "section" and insert
- 2 "sections 49-1449 and"; and in line 3 after the semicolon insert
- 3 "to change provisions relating to statements of organization for
- 4 certain committees";.

LEGISLATIVE BILL 498. Placed on Select File.

LEGISLATIVE BILL 461. Placed on Select File.

LEGISLATIVE BILL 548. Placed on Select File.

LEGISLATIVE BILL 307. Placed on Select File as amended.

E & R amendment to LB 307:

AM7107

- 1 1. In the Standing Committee amendments, AM0472, on page
- 2 2, line 3, after "for" insert "declining" and after "suggestion"
- 3 insert "that is".
- 4 2. On page 1, lines 1 and 2, strike "section 81-1347.01"
- 5 and insert "sections 81-1347, 81-1347.01, and 81-1354"; and in line
- 6 4 strike "section" and insert "sections".

LEGISLATIVE BILL 149. Placed on Select File.

LEGISLATIVE BILL 510. Placed on Select File.

LEGISLATIVE BILL 707. Placed on Select File.

(Signed) Ray Mossey, Chairperson

VISITORS

Visitors to the Chamber were 26 fourth-grade students and teacher from

Homer; and 10 sixth-grade students and sponsors from Paxton Consolidated Schools.

The Doctor of the Day was Dr. Mark Butler from Lincoln.

ADJOURNMENT

At 4:00 p.m., on a motion by Senator Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, April 16, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 16, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 16, 2003

PRAYER

The prayer was offered by Senator Stuthman.

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 Landis who was excused; and Senator Engel who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

UNANIMOUS CONSENT - Members Excused

Senators McDonald and Mossey asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 435. Senator Cunningham offered the following motion:
Bracket to January 1, 2004.

Senators Aguilar, Erdman, Foley, D. Pederson, and Redfield asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Cunningham moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Cunningham requested a roll call vote on his motion to bracket.

Voting in the affirmative, 13:

Baker	Hudkins	Jones	Quandahl	Tyson
Cunningham	Janssen	Kremer	Stuhr	
Erdman	Jensen	Mines	Stuthman	

Voting in the negative, 26:

Aguilar	Chambers	Hartnett	Price	Thompson
Beutler	Combs	Kruse	Raikes	Wehrbein
Brashear	Conneally	Maxwell	Redfield	
Bromm	Cudaback	Pedersen, Dw.	Schimek	
Brown	Foley	Pederson, D.	Smith	
Byars	Friend	Preister	Synowiecki	

Present and not voting, 7:

Bourne	Johnson	Mossey	Vrtiska
Burling	Louden	Schrock	

Excused and not voting, 3:

Engel	Landis	McDonald

The Cunningham motion to bracket failed with 13 ayes, 26 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 16 nays, 6 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 73. Introduced by Stuhr, 24.

WHEREAS, Royce Schweitzer, music teacher at Heartland Community Schools, was named Secondary Teacher of the Year by the Nebraska Rural Community Schools Association; and

WHEREAS, This award exemplifies the ideals of successful teaching: Character, enthusiasm, understanding, community spirit, and a lifelong commitment to continuing education; and

WHEREAS, Royce Schweitzer has taught for thirty years and is known for his ability to patiently develop musical skills in his students; and

WHEREAS, Royce Schweitzer has been honored at the state level as an outstanding teacher who emphasizes the importance of teaching musical fundamentals while adapting his training methods; and

WHEREAS, Royce Schweitzer 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Royce Schweitzer.
2. That a copy of this resolution be sent to Royce Schweitzer.

Laid over.

AMENDMENT - Print in Journal

Senator Tyson filed the following amendment to LB 265:
AM1362

- 1 1. On page 1, line 20, strike "town marshal".
- 2 2. On page 3, line 2, after "property" insert ",
- 3 pursuant to sections 28-1406 to 28-1416"; in line 4 after the first
- 4 comma insert "Nebraska-issued"; in line 11 strike "2002" and insert
- 5 "2003"; in line 15 strike "demonstrate" and insert "present a
- 6 statement to the office of the county sheriff from a licensed
- 7 ophthalmologist or optometrist, stating that the applicant has
- 8 demonstrated"; and in line 18 after "shall" insert "knowingly" and
- 9 after "or" insert "knowingly".
- 10 3. On page 4, strike beginning with "A" in line 17
- 11 through line 20 and insert "No person or entity shall conduct a
- 12 handgun training and safety course until a certificate of approval
- 13 is issued by the Nebraska State Patrol".
- 14 4. On page 5, line 6, strike "shall" and insert "board
- 15 shall require the county sheriff to"; strike beginning with "check"
- 16 in line 9 through "information" in line 10 and insert "applicant's
- 17 national criminal history record information check".
- 18 5. On page 6, line 6, after "not" insert ", to the
- 19 applicant's knowledge"; strike beginning with "The" in line 13
- 20 through "a" and insert "A national"; in line 14 after "check"
- 21 insert "shall be conducted by the Nebraska State Patrol through the
- 22 Federal Bureau of Investigation"; in line 15 after "A" insert
- 23 "national"; in line 16 strike "initial compliance only" and insert
- 24 "initial and renewal compliance" and in line 20 before "address"
- 1 insert "street".
- 2 6. On page 7, lines 2 and 3, strike "is subject to
- 3 having" and insert "shall have"; in line 7 after "The" insert
- 4 "application"; strike beginning with "The" in line 9 through "(3)"
- 5 in line 15; after line 22 insert the following new subsection:
- 6 "(3) The sheriff may renew a person's permit to carry a
- 7 concealed handgun for a renewal period of five years, subject to
- 8 continuing compliance with the requirements of section 6 of this
- 9 act. The renewal fee is seventy-five dollars, and renewal may be
- 10 applied for up to four months before expiration of a permit to
- 11 carry a concealed handgun. Twenty-five dollars of the renewal fee
- 12 shall be remitted to the county treasurer for deposit in the

13 general fund of the county. Fifty dollars of the renewal fee shall
14 be remitted to the State Treasurer who shall credit (a) to the
15 Nebraska State Patrol Cash Fund an amount equal to the cost of the
16 national criminal history record information check pursuant to
17 section 6 of this act and (b) the remaining amount to the General
18 Fund."; and in lines 26 and 27 strike "who issued a permit under
19 the Concealed Handgun Permit Act".

20 7. On page 8, strike line 3 and insert "the issuance or
21 nonissuance of a permit under the Concealed Handgun Permit Act.";
22 strike line 11 and insert "file an action in district court to
23 revoke a permit to carry a"; strike beginning with "In" in line 13
24 through the second "prosecute" in line 14 and insert "If the county
25 attorney declines or is unable to file the action, the duty to file
26 the action"; in line 16 strike "case" and insert "action"; and in
27 line 27 strike "driver's" and insert "motor vehicle operator's".

1 8. On page 9, line 5, after the period insert "If a
2 permitholder is in violation of this subsection, the peace officer
3 shall take possession of the handgun and provide a dated receipt of
4 the handgun to the permitholder. The receipt shall include the
5 make, model, caliber, and serial number of the handgun and the
6 address where the handgun will be deposited. The peace officer
7 shall deliver the handgun to the county sheriff of the county where
8 possession of the handgun took place. After twenty-four hours, the
9 permitholder may retrieve the handgun from the sheriff by producing
10 his or her permit to carry a concealed handgun and his or her
11 Nebraska-issued operator's license or Nebraska-issued state
12 identification card."; and in line 17 strike "submit to" and insert
13 "comply with" and strike the last occurrence of "to" and insert
14 "comply with".

15 9. On page 10, line 7, after "a" insert "dated"; and in
16 line 9 after "handgun" insert "and the address where the handgun
17 will be deposited. The peace officer shall deliver the handgun to
18 the county sheriff of the county where possession of the handgun
19 took place. After twenty-four hours, the permitholder may retrieve
20 the handgun from the sheriff by producing his or her permit to
21 carry a concealed handgun and his or her Nebraska-issued operator's
22 license or Nebraska-issued state identification card.".

23 10. On page 11, lines 5 and 6, strike ", persons,
24 entity, or entities" and insert "or entity".

25 11. On page 13, line 1, strike "this section" and all
26 amendments thereto and insert "subsection (1), (2), or (3) of
27 section 11 of this act or section 12 or 13 of this act"; in line 13
1 strike "weapon" and insert "handgun"; in line 15 strike "the
2 provisions of"; and in line 19 after "Vehicles" insert "and the
3 Nebraska State Patrol".

4 12. On page 14, line 21, after the period insert "The
5 affirmative defense does not apply to a defendant carrying a
6 handgun as defined in section 3 of this act.".

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 146. Title read. Considered.

The Standing Committee amendment, AM1202, found on page 1175, was considered.

SENATOR CUDABACK PRESIDING

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

Senator Aguilar 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:

FA1315

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Sec. 2. Section 44-2827, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2827. (1) Financial responsibility of a health care
- 6 provider may be established only by filing with the director proof
- 7 that the health care provider is insured pursuant to sections
- 8 44-2837 to 44-2839 or by a policy of professional liability
- 9 insurance in a company authorized to do business in Nebraska. Such
- 10 insurance shall be in the amount of two hundred thousand dollars
- 11 per occurrence and, in cases involving physicians or nurse
- 12 anesthetists, but not with respect to hospitals, an aggregate
- 13 liability of at least six hundred thousand dollars for all
- 14 occurrences or claims made in any policy year shall be provided.
- 15 In the case of hospitals and their employees, an aggregate
- 16 liability amount of one million dollars for all occurrences or
- 17 claims made in any policy year shall be provided. ~~Such filing~~
- 18 ~~shall state the amount of the premium charged for the policy of~~
- 19 ~~insurance.~~
- 20 (2) The filing required in subsection (1) of this section
- 21 shall be made by the insurer providing the professional liability
- 22 insurance to the health care provider and shall include the
- 23 following information:
- 24 (a) Name of the health care provider;
- 25 (b) Address of the health care provider;

26 (c) Whether the coverage is on an occurrence basis, a
27 claims-made basis or whether the coverage is a reporting
1 endorsement that covers for future reports of past occurrences;
2 (d) Coverage dates applying to the insurance;
3 (e) Requested effective dates of qualification;
4 (f) Premium paid by the health care provider for the
5 underlying insurance coverage necessary to qualify;
6 (g) Surcharge paid by the health care provider pursuant
7 to sections 44-2829 to 44-2831; and
8 (h) Any other information required by the director.

9 (3) The information reported to the director under
10 subsection (2) of this section shall not be subject to public
11 disclosure, except that, in response to a request regarding a
12 specific health care provider for a specific date or range of
13 dates, the director shall disclose whether the health care provider
14 is qualified under the Nebraska Hospital-Medical Liability Act.

15 (4) The director shall adopt and promulgate notice
16 requirements for insurers to use in notifying their policyholders
17 of their eligibility and the cost for qualification under the act.

18 Sec. 3. Section 44-2829, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 44-2829. (1) There is hereby created an Excess Liability
21 Fund to be collected and received by the director for the exclusive
22 use and purposes stated in the Nebraska Hospital-Medical Liability
23 Act. Such fund and any income from it shall be held by the State
24 Treasurer in trust, deposited in a separate account, and invested
25 and reinvested pursuant to law.

26 (2) To create the fund, an annual surcharge shall be
27 levied on all health care providers in Nebraska who have qualified
1 under sections 44-2824 and 44-2827. The surcharge for each health
2 care provider shall be determined by the director subject to the
3 following limitations:

4 (a) The annual surcharge shall not exceed fifty percent
5 of the annual premium paid by such health care provider for
6 maintenance of current financial responsibility as provided in
7 sections 44-2827 and 44-2837 to 44-2839; and

8 (b) The charge shall not exceed the amount necessary to
9 maintain the fund in the amount stated in section 44-2830.

10 (3) Such surcharge and any primary insurance premiums due
11 under sections 44-2837 to 44-2839 shall be due and payable within
12 thirty days after the health care provider has qualified in
13 Nebraska pursuant to section 44-2824 and shall be payable annually
14 thereafter in such amounts as may be determined by the director
15 insofar as the surcharge is concerned and by the risk manager
16 insofar as primary liability coverage is concerned. The insurer
17 which provides professional liability insurance to the provider
18 shall collect the surcharge from the health care provider and remit
19 it to the fund within thirty days after receipt.

20 (4) The net premiums payable for primary insurance

21 provided by the risk manager pursuant to sections 44-2837 to
22 44-2839 shall be deposited in the fund at least annually by the
23 risk manager.

24 (5) If the annual premium surcharge or premiums for
25 primary insurance under sections 44-2837 to 44-2839 are not paid to
26 the insurer within the time specified in subsection (3) of this
27 section, the qualification of the health care provider under

1 section 44-2824 shall be suspended until the annual premiums are
2 paid. Such suspension shall not be effective as to patients
3 claiming against the health care provider unless, at least thirty
4 days before the effective date of the suspension, a written notice
5 giving the date upon which the suspension becomes effective has
6 been provided by the director to the health care provider.

7 (6) The Director of Insurance, as administrator of the
8 fund, shall be responsible for legal defense of the fund. The
9 director, using money from the fund as deemed necessary,
10 appropriate, or desirable, may purchase the services of persons,
11 firms, and corporations to aid in protecting the fund against
12 claims. The Department of Justice shall not be responsible for
13 legal defense of the fund. All expenses of collecting, protecting,
14 and administering the fund shall be paid from the fund.

15 Sec. 4. Section 44-2831, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 44-2831. (1) The director may, at any time, analyze the
18 fund to determine if the amount in such fund is inadequate to pay
19 in full all claims allowed or to be allowed during the calendar
20 year. Upon such determination, the director shall have the power
21 to levy a special surcharge on all health care providers who have
22 qualified under the Nebraska Hospital-Medical Liability Act, which
23 special surcharge shall be an amount sufficient to permit full
24 payment of all claims allowed against the fund during a calendar
25 year. The special surcharge shall be levied against all health
26 care providers who have qualified under the Nebraska

27 Hospital-Medical Liability Act on the date of the special surcharge
1 or at any time during the preceding twelve months and shall be in
2 an amount proportionate to the surcharge each health care provider
3 has paid to the fund. Such special surcharge shall be due and
4 payable within thirty days after the same is levied. Such special
5 surcharge shall be collected by the health care provider's current
6 insurer, if the health care provider is currently qualified, or by
7 the health care provider's most recent insurer that provided
8 qualifying underlying coverage, if the health care provider is no
9 longer qualified.

10 (2) The director shall have authority to cause all or any
11 part of the potential liability of the Excess Liability Fund to be
12 reinsured, if such reinsurance is available, on a fair and
13 reasonable basis. The cost of such reinsurance shall be paid by
14 the fund and the fact of the reinsurance shall be taken into
15 account in determining the surcharge as provided in sections

16 44-2829 and 44-2830, but in no event shall the surcharge exceed
17 fifty percent of the annual premium paid by a health care provider
18 for maintenance of current financial responsibility.

19 Sec. 5. Section 44-2840, Revised Statutes Supplement,
20 2002, is amended to read:

21 44-2840. (1) Provision is hereby made for the
22 establishment of medical review panels to review all malpractice
23 claims against health care providers covered by the Nebraska
24 Hospital-Medical Liability Act in advance of filing such actions.
25 (2) No action against a health care provider may be
26 commenced in any court of this state before the claimant's proposed
27 complaint has been presented to a medical review panel established
1 pursuant to section 44-2841 and an opinion has been rendered by the
2 panel.

3 (3) The proceedings for action by the medical review
4 panel shall be initiated by the patient or his or her
5 representative by notice in writing with copy of a proposed
6 complaint served upon the director personally or by registered or
7 certified mail. Such notice shall designate the claimant's choice
8 of the physician to serve on the panel, claimant's suggestion of an
9 attorney to serve, and the court where the action shall be filed,
10 if necessary.

11 (4) The claimant may affirmatively waive his or her right
12 to a panel review, and in such case the claimant may proceed to
13 file his or her action directly in court. If the claimant waives
14 the panel review, the claimant shall serve a copy of the complaint
15 upon the director personally or by registered or certified mail at
16 the time the action is filed in court.

17 ~~(5) The exercise of the waiver authorized by this section~~
18 ~~shall not be subject to attack for the sole reason that the~~
19 ~~claimant served the director with the notice prescribed by~~
20 ~~subsection (3) of this section prior to July 10, 1984, if the~~
21 ~~requirements of sections 44-2840 to 44-2847 have not been fulfilled~~
22 ~~on such date.~~

23 Sec. 6. Section 44-2842, Revised Statutes Supplement,
24 2002, is amended to read:

25 44-2842. (1) The evidence to be considered by the
26 medical review panel shall be promptly submitted by the respective
27 parties in written form only. If any party to the proceedings
1 fails to submit his or her evidence within a reasonable time after
2 notice from the panel requesting such evidence, the panel may
3 proceed to decide the matter on the evidence previously submitted.
4 The determination of reasonable time shall be made by the panel.
5 The evidence submitted may consist of medical charts, X-rays,
6 laboratory test results, excerpts of treatises, depositions of
7 witnesses including parties, and any other form of evidence
8 allowable by the medical review panel.

9 (2) Depositions of parties and witnesses may be taken
10 prior to the convening of the panel and prior to the commencement

11 of the action, but in such event the attorney for the medical care
12 provider shall be furnished with a copy of the complaint which the
13 claimant proposes to file at least ten days before any deposition
14 is taken. The patient shall have the right to request and receive
15 all medical and hospital records relating to his or her case which
16 would be admissible in evidence in a court of law. The chairperson
17 of the panel shall advise the panel relative to any legal question
18 involved in the review proceeding and shall prepare the opinion of
19 the panel. A copy of the evidence shall be sent to each member of
20 the panel.

21 (3) Either party, after submission of all evidence and
22 upon ten days' notice to the other side, shall have the right to
23 convene the panel at a time and place agreeable to the members of
24 the panel. At such time either party shall have the right to
25 present argument concerning any matters relevant to issues to be
26 decided by the panel before the issuance of its report. The
27 chairperson of the panel shall preside at all meetings, which
1 meetings shall be informal.

2 (4) If the members of the medical review panel have not
3 convened within six months of the initiation of the proceeding, the
4 judge ~~shall have authority to order the panel to convene~~ may
5 terminate the proceeding at the request of either party.

6 Sec. 7. (1) A person credentialed under the Uniform
7 Licensing Law to practice as a physician, osteopathic physician,
8 dentist, physician assistant, nurse, or physical therapist who,
9 without the expectation or receipt of monetary or other
10 compensation either directly or indirectly, provides professional
11 services as a volunteer in a free clinic or other facility operated
12 by a not-for-profit organization as defined in section 25-21,190,
13 an agency of the state, or any political subdivision shall be
14 immune from civil liability for any act or omission which results
15 in damage or injury unless such damage or injury was caused by the
16 willful or wanton act or omission of such practitioner.

17 (2) The individual immunity granted by subsection (1) of
18 this section shall not extend to any act or omission of such
19 practitioner which results in damage or injury if:

20 (a) The free clinic or other facility is operated by a
21 licensed hospital;

22 (b) The practitioner has been disciplined by the state
23 examining board having oversight over that practitioner in the
24 previous five years at the time of the act or omission causing
25 injury; or

26 (c) The damage or injury is caused by such practitioner
27 (i) during the operation of any motor vehicle, airplane, or boat or
1 (ii) while impaired by alcohol or any controlled substance
2 enumerated in section 28-405.

3 Sec. 8. Original sections 44-2825, 44-2827, 44-2829, and
4 44-2831, Reissue Revised Statutes of Nebraska, and sections 44-2840
5 and 44-2842, Revised Statutes Supplement, 2002, are repealed.".

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

AM1355

(Amendments to Standing Committee amendments, AM1202)

- 1 1. On page 9, line 11, after "services" insert "eligible
- 2 for reimbursement under the medical assistance program established
- 3 pursuant to sections 68-1018 to 68-1025".

The Brashear amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senators Loudon and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Senators Erdman and Smith asked unanimous consent to be excused. No objections. So ordered.

The first Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

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

The second Standing Committee amendment is as follows:

FA1316

- 3 "Section 1. Section 44-2825, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2825. (1) The total amount recoverable under the
- 6 Nebraska Hospital-Medical Liability Act from any and all health
- 7 care providers and the Excess Liability Fund for any occurrence
- 8 resulting in any injury or death of a patient may not exceed (a)
- 9 five hundred thousand dollars for any occurrence on or before
- 10 December 31, 1984, (b) one million dollars for any occurrence after
- 11 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one
- 12 million two hundred fifty thousand dollars for any occurrence after
- 13 December 31, 1992, and on or before December 31, 2003, and (d) one
- 14 million seven hundred fifty thousand dollars for any occurrence
- 15 after December 31, 2003.
- 16 (2) A health care provider qualified under the act shall
- 17 not be liable to any patient or his or her representative who is
- 18 covered by the act for an amount in excess of two hundred thousand
- 19 dollars for all claims or causes of action arising from any
- 20 occurrence during the period that the act is effective with
- 21 reference to such patient.
- 22 (3) Subject to the overall limits from all sources as
- 23 provided in subsection (1) of this section, any amount due from a
- 24 judgment or settlement which is in excess of the total liability of
- 1 all liable health care providers shall be paid from the Excess

2 Liability Fund pursuant to sections 44-2831 to 44-2833.

The second Standing Committee amendment was adopted with 32 ayes, 0 nays, 9 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.

MESSAGE FROM THE GOVERNOR

April 16, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 111e, 165, 165A, 175, 186, 233e, 233Ae, 250e, 259, 292e, 294, 333, 333A, 357e, 357Ae, 359, 451e, 487, 524, 607, 619e, 688, 726, 756, and 756A were received in my office on April 11, 2003.

These bills were signed by me on April 16, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

VISITORS

Visitors to the Chamber were 46 fourth-grade students and teachers from Plattsmouth; 8 ninth-grade students and teacher from Lincoln East High School; 48 fifth-grade students and teachers from Howard Elementary School, Fremont; Kevin, Sandy, Kyle, Joel, Nicholas, and Jennie Uhing from Hartington; and 20 kindergarten through twelfth-grade home school students and sponsor from Blair.

RECESS

At 11:54 a.m., on a motion by Senator Combs, 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 Erdman, Landis, and Smith who were excused; and Senators Burling, Connealy, Engel, Kremer, Preister, and Schrock who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

April 11, 2003

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

Dear Mr. President, Speaker Bromm, and Senators:

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

APPOINTEE:

Edwin C. Bergstrasser, 1300 S W 10th St, Lincoln, NE 68522

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

April 14, 2003

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

Dear Mr. President, Speaker Bromm, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Educational Telecommunications Commission.

APPOINTEES:

William Griffin, 2012 Greenbriar Ln, Lincoln, NE 68506
Randall G. Bretz, 3700 S 32nd Place, Lincoln, NE 68502
J. Paul McIntosh, 407 N 11th St, Norfolk, NE 68701
Ann Pickel, 2008 S 145th Ave, Omaha, NE 68144
John Heil, 1405 S 133rd St, Omaha, NE 68144

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

GENERAL FILE

LEGISLATIVE BILL 249. Title read. Considered.

The Standing Committee amendment, AM0931, found on page 1014, was considered.

Senator Stuhr renewed her pending amendment, AM1105, found on page 1196, to the Standing Committee amendment.

Senator Loudon asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers requested a division of the question on the Stuhr amendment.

The Chair sustained the division of the question.

The first Stuhr amendment, to the Standing Committee amendment, is as follows:

FA1318

(Amendments to Standing Committee amendments, AM0931)

- 1 1. Insert the following new section:
- 2 "Sec. 12. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 701. Placed on Select File as amended.

E & R amendment to LB 701:

AM7109

- 1 1. On page 2, line 28; and page 3, line 7, strike
- 2 "section", show as stricken, and insert "subsection".

LEGISLATIVE BILL 200. Placed on Select File.

LEGISLATIVE BILL 235. Placed on Select File.

LEGISLATIVE BILL 476. Placed on Select File.

LEGISLATIVE BILL 97. Placed on Select File as amended.

E & R amendment to LB 97:

AM7108

- 1 1. On page 2, line 20, after "organization" insert an
- 2 underscored comma.

LEGISLATIVE BILL 258. Placed on Select File.

LEGISLATIVE BILL 354. Placed on Select File.

LEGISLATIVE BILL 610. Placed on Select File.

LEGISLATIVE BILL 118. Placed on Select File.

LEGISLATIVE BILL 444. Placed on Select File as amended.

E & R amendment to LB 444:

AM7111

- 1 1. On page 1, strike beginning with "recall" in line 1
- 2 through the semicolon in line 5 and insert "petitions; to amend
- 3 sections 18-2515, 32-629, 32-630, 32-631, 32-1301, 32-1404, and
- 4 32-1546, Reissue Revised Statutes of Nebraska, and sections 31-787,
- 5 31-788, 32-554, 32-628, 32-1303, and 32-1304, Revised Statutes
- 6 Supplement, 2002; to change filing, circulating, and signing
- 7 requirements as prescribed; to provide and change powers and
- 8 duties;"

Correctly Engrossed

The following bills were correctly engrossed: LBs 46, 46A, 112, 148, and 500.

ER9047

Enrollment and Review Change to LB 46

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Synowiecki amendment, AM1280:

- a. On page 1, line 21, the matter beginning with "line" through "To" has been struck and "after line 13 insert '(9) In order to' " inserted; and

- b. On page 2, line 1, "9" has been struck and "13" inserted; in line 3 "(11) To" has been struck and "(10) In order to" inserted; in line 5 "18" has been struck and "22" inserted; and in line 8 "(12)" has been struck and "(11)" inserted and "(13)" has been struck and "(12)" inserted.

2. In lieu of the Beutler amendment, FA1301, in the Beutler amendment, AM1282, on page 1, lines 2 and 3, "or such chief's designee" has been inserted after the last "officer".

3. In the Brashear amendment, AM1263, on page 1, the matter beginning with "line" in line 15 through the first "in" in line 16 has been struck; in line 17 "; and (ii) the" has been struck and "The" inserted; in line 18 an underscored semicolon has been inserted after "violation"; and the matter beginning with the first "and" in line 22 through the last quotation mark in

line 23 has been struck.

4. In the E & R amendments, AM7092:

- a. On page 8, line 25, "9" has been struck and "13" inserted;
 - b. On page 15, line 25; page 18, line 15; and page 23, line 11, "8" has been struck and "12" inserted;
 - c. On page 21, line 15, the semicolon has been struck and an underscored colon inserted;
 - d. On page 22, line 12, the comma has been struck;
 - e. On page 23, line 2; and page 35, line 21, "or the Interstate Compact for Adult Offender Supervision" has been inserted after "29-2637";
 - f. On page 23, line 21, "8 and 9" have been struck and "12 and 13" inserted;
 - g. On page 24, line 3, "39" has been struck and "45" inserted;
 - h. On page 27, line 19, "33" has been struck and "39" inserted;
 - i. On page 29, line 27, "18" has been struck and "22" inserted;
 - j. On page 36, line 4, "17" has been struck and "21" inserted; and in line 22 "is" has been inserted after "as";
 - k. On page 41, lines 2 and 3, "14, 17, and 18" has been struck and "18, 21, and 22" inserted;
 - l. On page 41, line 15, "25 to 39" has been struck and "31 to 45" inserted;
 - m. On page 46, line 3; page 47, line 27; and page 48, line 3, "36" has been struck and "42" inserted;
 - n. On page 49, line 16, "39" has been struck and "45" inserted; and
 - o. On page 50, line 7, "40 to 43" has been struck and "46 to 49" inserted; and
 - p. On page 52, line 23, "effective date of this act" has been struck and "operative date of this section" inserted.
5. On page 1, line 1, "29-2252" has been struck and "29-2250, 29-2252, 29-2254" inserted; in line 3 "83-1,135, and 83-4,146" has been struck and "83-1,125, 83-1,135, 83-4,146, and 83-933" inserted; in line 9 "to adopt the Interstate Compact for Adult Offender Supervision;" has been inserted after the semicolon; and in line 16 "and the Uniform Act for Out-of-State Parolee Supervision; to provide operative dates" has been inserted after "Act".
6. On page 2, line 1, "29-2637, 29-2638," has been inserted after "sections".

ER9044

Enrollment and Review Change to LB 148

The following changes, required to be reported for publication in the Journal, have been made:

- 1. In the Landis-Friend amendment, AM0897:
 - a. On page 14, line 21, "the" has been inserted after "or";
 - b. On page 26, line 6, "the" has been inserted after "upon"; and
 - c. On page 40, line 7, a comma has been inserted after "42-931".
- 2. On page 1, the matter beginning with "the" in line 1 through line 10 has been struck and "domestic relations; 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, 42-735, 42-737 to 42-740,

42-742, 42-745 to 42-747.01, 42-748 to 42-751, and 42-931, Reissue Revised Statutes of Nebraska, and sections 42-351 and 43-104, Revised Statutes Supplement, 2002; to adopt the Uniform Child-Custody Jurisdiction and Enforcement Act; to adopt uniform changes to the Uniform Interstate Family Support Act; to adopt the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act; to harmonize provisions; to repeal the Nebraska Child Custody Jurisdiction Act; to provide a duty for the Revisor of Statutes; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 43-1201 to 43-1225, Reissue Revised Statutes of Nebraska." inserted.

3. On page 8, line 10, "43" and all amendments thereto have been struck and "54" inserted.

4. On page 26, line 5; and page 36, line 4, "42-747 and sections 11 and 12" and all amendments thereto have been struck, the old matter shown as stricken, and "42-747.02 and section 85" inserted.

5. On page 28, line 17, an underscored comma has been inserted after "state", the first "or" has been struck and "a" inserted, and the second "or" has been struck and ", or a" inserted; in line 21 the first "or" has been struck and an underscored comma inserted and an underscored comma has been inserted after "country"; and in line 24 the first "or" has been struck and ", a" inserted and the second "or" has been struck and ", or a" inserted.

6. On page 35, line 17, the second comma has been struck and an underscored period inserted.

7. On page 40, line 14, the comma has been struck and shown as stricken; and in line 15 an underscored comma has been inserted after "state".

8. On page 42, line 19, "sections" has been inserted after "and".

9. On page 45, line 24, "uniform act" has been struck and "Uniform Interstate Family Support Act" inserted.

ER9048

Enrollment and Review Change to LB 500

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 3, line 14, the comma has been struck and shown as stricken.

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senators Beutler, Schimek, Chambers, and Hudkins filed the following amendment to LB 439:

(Amendment, AM1384, is printed separately and available in the Bill Room, Room 1104.)

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Hartnett, 45; Jensen, 20; Byars, 30; Johnson, 37.

WHEREAS, the Legislature recognizes that most citizens of the state would benefit from consuming calcium-rich food and beverage. It is the intent of the Legislature that governmental units, as major consumers and examples for others, should encourage the consumption of calcium-rich food and beverage by giving such products a preferred purchasing status as provided in this resolution; and

WHEREAS, for purposes of this resolution:

(1) Calcium-rich food and beverage means food or beverage that is naturally high in calcium or food or beverage to which calcium has been added in processing to improve its nutritional value; and

(2) Governmental unit means any agency, board, department, division, or institution of state government, the University of Nebraska, any state college, and any school district; and

WHEREAS, the purchasing agent for a governmental unit or for a private business which contracts with a governmental unit to purchase food or beverage that will be served in a building or room owned or operated by a governmental unit is encouraged to purchase calcium-rich food and beverage unless:

(1) The calcium-rich food or beverage is higher in price than non-calcium-rich food or beverage of similar type and quality; or

(2) The director of a state institution for which the purchase is being made determines that calcium-rich food or beverage would interfere with the proper treatment and care of a resident of the institution, and if so, food or beverage which is not calcium-rich shall be purchased for the use of such resident; and

WHEREAS, it is the intent of the Legislature that this resolution shall not apply to a contract entered into before the date this resolution is passed if purchasing calcium-rich food and beverage would change the terms of the contract.

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

1. That the Clerk of the Legislature provide notification of this resolution to all affected governmental units.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bergstrasser, Edwin C. - State Electrical Board - General Affairs

Bretz, Randall G. - Nebraska Educational Telecommunications Commission - Education

Griffin, William - Nebraska Educational Telecommunications Commission - Education

Heil, John - Nebraska Educational Telecommunications Commission - Education

McIntosh, J. Paul - Nebraska Educational Telecommunications Commission - Education

Pickel, Ann - Nebraska Educational Telecommunications Commission - Education

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 249. The first Stuhr pending amendment, FA1318, found in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Burling moved the previous question. The question is, "Shall the debate now close?"

Senator Burling moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The first Stuhr amendment was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The second Stuhr amendment, to the Standing Committee amendment, is as follows:

FA1319

(Amendments to Standing Committee amendments, AM0931)

4 2. On page 6, line 7, after "the" insert "maximum".

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SENATOR JANSSEN PRESIDING

Senators Bourne and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Kruse moved the previous question. The question is, "Shall the debate now close?"

Senator Kruse moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

The second Stuhr amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Bromm renewed his pending amendment, AM1260, found on page 1217, to the Standing Committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 249:
AM1380

(Amendments to Standing Committee amendments, AM0931)

- 1 1. Strike section 11 and insert the following new
- 2 sections:
- 3 "Sec. 6. Section 79-2,128, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 79-2,128. A governing body may require students to
- 6 furnish minor personal or minor consumable items for ~~specified~~
- 7 ~~courses and participation in extracurricular activities, ,~~
- 8 ~~including, but not limited to, pencils, paper, pens, erasers, and~~
- 9 ~~notebooks.~~
- 10 Sec. 12. The following section is outright repealed:
- 11 Section 79-2,130, Revised Statutes Supplement, 2002.".
- 12 2. On page 2, line 26, strike "and" and show as
- 13 stricken; and in line 27 after "(9)" insert "Parking; and
- 14 (10)".
- 15 3. On page 3, line 3, after "money" insert "pursuant to
- 16 the Public Elementary and Secondary Student Fee Authorization Act".
- 17 4. On page 5, line 15, strike "specified courses and",
- 18 show as stricken, and insert "participation in extracurricular".
- 19 5. On page 6, line 7, after "required" insert "pursuant
- 20 to the Public Elementary and Secondary Student Fee Authorization
- 21 Act"; in line 10 after the underscored period insert "Reimbursement
- 22 pursuant to subdivision (6) of section 79-2,127 for property lost
- 23 or damaged by a student may be required without specification in
- 1 the student fee policy."; and in line 11 strike "79-2,127" and
- 2 insert "79-2,128".
- 3 6. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 210:

AM1354

(Amendments to E & R amendments, AM7098)

- 1 1. Insert the following sections:
2 "Sec. 3. (1) If an employee, or an employee's
3 dependents, initiate a judicial proceeding, lawsuit, or other
4 similar proceeding for benefits pursuant to the laws of another
5 state or country concerning workers' compensation and if the
6 employee's or the employee's dependents' petition or complaint is
7 dismissed after a trial on the merits of the case, then the
8 employee or the employee's dependents shall not be eligible for
9 benefits under the Nebraska Workers' Compensation Act for
10 compensation or medical benefits for the same accident, injury, or
11 death.
12 (2) If an employee, or an employee's dependents, initiate
13 a judicial proceeding, lawsuit, or other similar proceeding for
14 benefits pursuant to the laws of another state or country
15 concerning workers' compensation, any lawsuit or judicial
16 proceeding initiated by an employee, or an employee's dependents,
17 for workers' compensation benefits under the Nebraska Workers'
18 Compensation Act for the same injury, accident, disability, or
19 death shall be stayed, without prejudice, pending resolution of the
20 out-of-state claim for benefits.
21 (3) If compensation benefits are paid under the Nebraska
22 Workers' Compensation Act and were payable, at any time, for the
23 same injury, accident, disability, or death pursuant to the laws of
24 another state or country concerning workers' compensation, the
25 employer shall have a credit toward the benefits payable pursuant
26 to the Nebraska Workers' Compensation Act for any benefits paid in
27 another state or country or for benefits paid pursuant to another
28 state or country's laws.
29 Sec. 4. Section 48-1,110, Reissue Revised Statutes of
30 Nebraska, is amended to read:
31 48-1,110. (1) Sections 48-101 to 48-1,117 and section 3
32 of this act shall be known and may be cited as the Nebraska
33 Workers' Compensation Act.
34 (2) It is the intent of the Legislature that the changes
35 made in Laws 1986, LB 811, shall not affect or alter any rights,
36 privileges, or obligations existing immediately prior to July 17,
37 1986."
38 2. On page 7, line 14 strike "section 48-125.01" and
39 insert "sections 48-125.01 and 48-1,110".
40 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 146. No objections. So ordered.

VISITORS

Visitors to the Chamber were 16 fourth-grade students, teacher, and sponsors from Humphrey; 40 fourth-grade students and teachers from Westmont Elementary School, Omaha; and Dan Heiman from Laurel.

ADJOURNMENT

At 4:35 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Thursday, April 17, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 17, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 17, 2003

PRAYER

The prayer was offered by Sister Norita Cooney, Alegent Health, Omaha.

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 Engel and Loudon who were excused; and Senators Bourne, Brown, Landis, Maxwell, Price, Raikes, and Synowiecki who were excused until they arrive.

SPEAKER BROMM PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 16, 2003, 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

Deppe, Jonah May
League of Woman Voters of Nebraska

Dugan, Susie
PRIDE-Omaha, Inc.

Jewell, Jan
DeCamp Legal Services, P.C. (Withdrawn 04/14/2003)

Landes II, Terry L.

Apartment Association of Greater Omaha (Withdrawn 04/14/2003)

Remington, S. June

Insurance and Financial Advisors, National Association of (Withdrawn 04/15/2003)

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Public Official Bond reports of state employees and officers

Health and Human Services System

Office of the System Advocate Quarterly Report, January-March 2003

Property Assessment and Taxation, Department of

2002 Annual Report

UNANIMOUS CONSENT - Member Excused

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

MOTION - Approve Appointment

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 1284: Motor Vehicle Industry Licensing Board - Bernard J. Slowik.

Voting in the affirmative, 31:

Aguilar	Connealy	Janssen	Pedersen, Dw.	Tyson
Baker	Cudaback	Jensen	Quandahl	Vrtiska
Bromm	Erdman	Johnson	Schimek	Wehrbein
Burling	Foley	Kremer	Schrock	
Byars	Friend	Kruse	Smith	
Chambers	Hartnett	Mines	Stuhr	
Combs	Hudkins	Mossey	Stuthman	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Jones	Pederson, D.	Redfield
Cunningham	McDonald	Preister	Thompson

Excused and not voting, 10:

Bourne	Brown	Landis	Maxwell	Raikes
Brashear	Engel	Louden	Price	Synowiecki

The appointment was confirmed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 68 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 68.

SELECT FILE

LEGISLATIVE BILL 494. Advanced to E & R for engrossment.

LEGISLATIVE BILL 464. E & R amendment, AM7105, printed separately and referred to on page 1286, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 480. Advanced to E & R for engrossment.

LEGISLATIVE BILL 481. E & R amendment, AM7104, found on page 1286, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 521. Advanced to E & R for engrossment.

LEGISLATIVE BILL 349. E & R amendment, AM7106, found on page 1286, was adopted.

Senator Foley offered the following amendment:
AM1408

(Amendments to AM0399)

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. Section 49-1449, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 49-1449. (1) Each committee shall file a statement of
- 6 organization with the commission. Such Except as provided in
- 7 subsection (2) of this section, such statement of organization
- 8 shall be filed within ten days after a committee is formed. The

9 commission shall maintain a statement of organization filed by a
 10 committee until notified of the committee's dissolution. Any
 11 person who fails to file with the commission a statement of
 12 organization required by this ~~section~~ subsection shall pay to the
 13 commission a late filing fee of twenty-five dollars for each day
 14 the statement remains not filed in violation of this ~~section~~
 15 subsection, not to exceed seven hundred fifty dollars.
 16 (2) If the committee is formed within thirty days prior
 17 to an election for which the committee exists, the statement of
 18 organization shall be filed within two business days after the
 19 committee if formed. Any person who fails to file with the
 20 commission a statement of organization required by this subsection
 21 shall pay to the commission a late filing fee of one hundred
 22 dollars for each day the statement remains not filed in violation
 23 of this subsection, not to exceed one thousand dollars."

The Foley amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 498. Advanced to E & R for engrossment.

LEGISLATIVE BILL 548. Advanced to E & R for engrossment.

LEGISLATIVE BILL 307. E & R amendment, AM7107, found on page 1286, was adopted.

Senator Beutler offered the following amendment:
 AM1409

(Amendments to Standing Committee amendments, AM0472)

1. On page 2, strike beginning with the comma in line 9
- 2 through the comma in line 10.

SENATOR SCHIMEK PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 149. Advanced to E & R for engrossment.

LEGISLATIVE BILL 510. Advanced to E & R for engrossment.

LEGISLATIVE BILL 707. Advanced to E & R for engrossment.

LEGISLATIVE BILL 701. E & R amendment, AM7109, found on page 1301, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 200. Advanced to E & R for engrossment.

LEGISLATIVE BILL 235. Advanced to E & R for engrossment.

LEGISLATIVE BILL 476. Senator Beutler offered the following amendment:

AM1403

- 1 1. On page 5, strike beginning with "The" in line 27
- 2 through line 28 and show as stricken.
- 3 2. On page 6, strike line 1 and show as stricken; and in
- 4 lines 14 through 16 strike the new matter.

SPEAKER BROMM PRESIDING

The Beutler amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 97. E & R amendment, AM7108, found on page 1302, was adopted.

Senator Beutler offered the following amendment:

AM1410

- 1 1. On page 3, line 18, after the period insert "An
- 2 abutting property shall not be determined to have primary access if
- 3 such abutting property has an existing garage and such garage is
- 4 not accessible without altering or relocating such garage.".

The Beutler amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 258. Advanced to E & R for engrossment.

LEGISLATIVE BILL 354. Advanced to E & R for engrossment.

LEGISLATIVE BILL 610. Advanced to E & R for engrossment.

LEGISLATIVE BILL 118. Advanced to E & R for engrossment.

LEGISLATIVE BILL 444. E & R amendment, AM7111, found on page 1302, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 197. E & R amendment, AM7086, found on page 914, was adopted.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 667. E & R amendment, AM7091, printed separately and referred to on page 1075, was adopted.

Senator Hartnett withdrew his pending amendment, AM1118, found on page 1130.

Senator Jensen renewed his pending amendment, AM1127, found on page 1225.

The Jensen amendment was adopted 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.

Senator Jensen offered the following amendment:
AM1407

(Amendments to E & R amendments, AM7091)

- 1 1. Insert the following section:
- 2 "Sec. 11. Section 71-5185, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 71-5185. (1) No patient data received or recorded by an
- 5 emergency medical service or an out-of-hospital emergency care
- 6 provider shall be divulged, made public, or released by an
- 7 emergency medical service or an out-of-hospital emergency care
- 8 provider, except that patient data may be released to the receiving
- 9 health care facility, to the department for ~~statistical~~ public
- 10 health purposes, ~~or~~ upon the written authorization of the patient
- 11 who is the subject of the record, or as otherwise permitted by law.
- 12 For purposes of this section, patient data means any data received
- 13 or recorded as part of the records maintenance requirements of the
- 14 Emergency Medical Services Act.
- 15 (2) Patient data received by the department shall be
- 16 confidential with release only ~~(1)~~ (a) in aggregate data reports
- 17 created by the department on a periodic basis or at the request of
- 18 an individual or ~~(2)~~ (b) as case-specific data to approved
- 19 researchers for specific research projects. Approved researchers
- 20 shall maintain the confidentiality of the data, and researchers
- 21 shall be approved in the same manner as described in section
- 22 81-666. Aggregate reports shall be public documents.
- 23 Emergency-medical-service-specific data and
- 1 out-of-hospital-emergency-care-provider-specific data shall be
- 2 released only upon the written authorization of the service or the
- 3 provider who is the subject of the record.
- 4 (3) No civil or criminal liability of any kind or

- 5 character for damages or other relief or penalty shall arise or be
 6 enforced against any person or organization by reason of having
 7 provided patient data pursuant to this section."
 8 2. On page 2, line 8, after "facilities" insert "or to
 9 any person"; and in line 20 strike the new matter.
 10 3. On page 12, lines 25 and 26, strike both occurrences
 11 of "exactly".
 12 4. On page 14, strike lines 23 through 25 and insert
 13 "prescription the phrase "no drug product selection", "dispense as
 14 written", "brand medically necessary", or "no generic substitution"
 15 or the notation "N.D.P.S.", "D.A.W.", or "B.M.N." or words or".
 16 5. On page 15, line 4, after the first "or" insert
 17 "designated".
 18 6. On page 24, line 8, after the last comma insert
 19 "71-5185,".
 20 7. Renumber the remaining sections accordingly.

The Jensen 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 667A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 267. Senator Burling renewed his pending amendment, AM1249, found on page 1235.

SENATOR CUDABACK PRESIDING

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

Senator Chambers offered the following amendment to the Burling pending amendment:

FA1320

Amend AM1249

1. In line 5 strike "five" and insert "nine".

Senator Chambers withdrew his amendment.

Senator Burling withdrew his amendment.

Senator Brashear renewed his pending amendment, AM1237, found on page 1218.

The Brashear amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Baker withdrew his pending amendment, AM1281, printed

separately and referred to on page 1235.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 454. Placed on Select File as amended.

E & R amendment to LB 454:

AM7110

- 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 correction systems in Nebraska.
- 7 The Legislature also finds and declares that drug court
- 8 programs are effective in reducing recidivism of persons who
- 9 participate in and complete drug court programs. The Legislature
- 10 recognizes that a drug court program offers a person accused of
- 11 drug offenses an alternative to traditional criminal justice or
- 12 juvenile justice proceedings.
- 13 Sec. 2. Drug court programs shall be subject to rules
- 14 which shall be promulgated by the Supreme Court for procedures to
- 15 be implemented in the administration of such programs."
- 16 2. On page 1, strike beginning with "courts" in line 1
- 17 through line 4 and insert "drug court programs; to state findings;
- 18 and to provide for court rules relating to administration of drug
- 19 court programs."

LEGISLATIVE BILL 435. Placed on Select File as amended.

E & R amendment to LB 435:

AM7112

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 48-1203, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-1203. (1) Except as otherwise provided in this
- 6 section and section 48-1203.01, every employer shall pay to each of
- 7 his or her employees wages at the minimum rate of ~~four dollars and~~
- 8 ~~twenty-five cents per hour through August 31, 1997, and five~~
- 9 ~~dollars and fifteen cents per hour on and after September 1, 1997~~
- 10 through September 30, 2003, five dollars and forty-five cents per
- 11 hour on and after October 1, 2003, through March 31, 2004, and five
- 12 dollars and seventy-five cents per hour on and after April 1, 2004.
- 13 (2) For persons compensated by way of gratuities such as
- 14 waitresses, waiters, hotel bellhops, porters, and shoeshine
- 15 persons, the employer shall pay wages at the minimum rate of two
- 16 dollars and thirteen cents per hour, plus all gratuities given to

17 them for services rendered. The sum of wages and gratuities
 18 received by each person compensated by way of gratuities shall
 19 equal or exceed the minimum wage rate provided in subsection (1) of
 20 this section. In determining whether or not the individual is
 21 compensated by way of gratuities, the burden of proof shall be upon
 22 the employer.

23 (3) Any employer employing student-learners as part of a
 24 bona fide vocational training program shall pay such
 1 student-learners' wages at a rate of at least seventy-five percent
 2 of the minimum wage rate which would otherwise be applicable.

3 Sec. 3. Original section 48-1203, Reissue Revised

4 Statutes of Nebraska, is repealed.

5 Sec. 4. Since an emergency exists, this act takes effect

6 when passed and approved according to law."

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 303:
 AM1366

(Amendments to E & R amendments, AM7100)

- 1 1. On page 18, line 20, after "Vehicles" insert "on an
 2 annual basis".

Senator Byars filed the following amendment to LB 303:
 AM1365

(Amendments to E & R amendments, AM7100)

- 1 1. On page 17, strike lines 11 through 15.

Senators Tyson, Engel, Cunningham, and Connealy filed the following
 amendment to LB 540:

AM1286

(Amendments to Standing Committee amendments, AM1287)

- 1 1. Insert the following new section:
- 2 "Sec. 11. Section 85-1517, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 85-1517. (1) The board may certify to the county board
- 5 of equalization of each county within the community college area a
- 6 tax levy not to exceed ~~seven cents for fiscal year 1998-99 and~~
- 7 ~~fiscal year 1999-00 and six cents for fiscal year 2000-01 and all~~
- 8 ~~subsequent fiscal years~~, on each one hundred dollars on the taxable
- 9 valuation of all property subject to the levy within the community
- 10 college area, uniform throughout such area, for the purpose of
- 11 supporting operating expenditures of the community college area.
- 12 (2)(a) In addition to the levy provided in subsection (1)
- 13 of this section, the board may certify to the county board of
- 14 equalization of each county within the community college area a tax
- 15 levy of not to exceed one cent on each one hundred dollars on the

16 taxable valuation of all property within the community college
17 area, uniform throughout such area, for the purpose of establishing
18 a capital improvement fund and bond sinking fund as provided in
19 section 85-1515.

20 (b) In addition to the levy provided in subdivision (a)
21 of this subsection, the board may also certify to the county board
22 of equalization of each county within the community college area a
23 tax levy on each one hundred dollars on the taxable valuation of
1 all property within the community college area, uniform throughout
2 such area, in the amount which will produce funds only in the
3 amount necessary to pay for funding accessibility barrier
4 elimination project costs and abatement of environmental hazards as
5 such terms are defined in section 79-10,110. Such tax levy shall
6 not be so certified unless approved by an affirmative vote of a
7 majority of the board taken at a public meeting of the board
8 following notice and a hearing. The board shall give at least
9 seven days' notice of such public hearing and shall publish such
10 notice once in a newspaper of general circulation in the area to be
11 affected by the increase.

12 (c) In addition to the levy provided in subsection (1) of
13 this section, the board of any community college area whose
14 valuation per reported aid equivalent student was less than
15 eighty-two percent of the average of all community colleges for
16 fiscal year 1997-98 may also certify to the county board of
17 equalization of each county within the community college area a tax
18 levy up to an additional one cent for fiscal year 2003-04, one and
19 one-half cents for 2004-05, two cents for 2005-06 and two and
20 one-half cents for 2006-07, on each one hundred dollars on the
21 taxable valuation of all property within the community college
22 area, uniform throughout such area. Such tax levy shall not be so
23 certified unless approved by an affirmative vote of a three-fourths
24 of the board taken at a public meeting of the board following
25 notice and a hearing. The board shall give at least seven days'
26 notice of such public hearing and shall publish such notice once in
27 a newspaper of general circulation in the area to be affected by
1 the increase.

2 (3) The levy provided by subdivision (2)(a) of this
3 section may be exceeded by that amount necessary to retire the
4 general obligation bonds assumed by the community college area or
5 issued pursuant to section 85-1515 according to the terms of such
6 bonds or for any obligation pursuant to section 85-1535 entered
7 into prior to January 1, 1997.

8 (4) Such tax shall be levied and assessed in the same
9 manner as other property taxes and entered on the books of the
10 county treasurer. The proceeds of such tax, as collected, shall be
11 remitted to the treasurer of the board not less frequently than
12 once each month."

13 2. On page 5, line 24, after the new matter insert "
14 except that any community college whose valuation per reported aid

15 equivalent student was less than eighty-two percent of the average
 16 of all community colleges for fiscal year 1997-98 may levy up to an
 17 additional one cent for fiscal year 2003-04, one and one-half cents
 18 for 2004-05, two cents for 2005-06, and two and one-half cents for
 19 2006-07 upon a three-fourths majority vote of the board".

20 3. On page 33, line 16, strike "section" and insert

21 "sections 85-1517 and".

22 4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 303A. 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 303, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Friday, April 25, 2003

8:00 a.m.

Edwin C. Bergstrasser - State Electrical Board

(Signed) Ray Janssen, Chairperson

SELECT FILE

LEGISLATIVE BILL 439. Senator Beutler renewed the Beutler et al. pending amendment, AM1384, printed separately and referred to on page 1304.

Senator Hudkins offered the following amendment to the Beutler et al. pending amendment:

AM1401

(Amendments to AM1384)

- 1 1. Insert the following new sections:
- 2 "Sec. 16. Section 81-1101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-1101. The purposes of sections 11-119, 81-106,
- 5 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and 84-304 and
- 6 section 34 of this act are to:
- 7 (1) Provide for the development and maintenance of a
- 8 modern system of budgetary, inventory, and financial accounting;
- 9 (2) Provide for development and maintenance of such
- 10 modern and economical methods and systems for record keeping,
- 11 accounting, expenditure planning and control as may be possible

12 through timely adoption of modern technological developments;

13 (3) Provide for centralized direction of services and
14 service agencies;

15 (4) Assure the development and operation of
16 organizational and procedural innovations as may be expected to
17 provide acceptable internal control of the handling and processing
18 of public funds; and

19 (5) Focus responsibility for execution of the financial
20 policies of this state on the chief executive and provide
21 assistants having the necessary technical skills for the
22 achievement of that end.

23 Sec. 17. Section 81-1102, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 81-1102. For purposes of sections 11-119, 81-106,
3 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and 84-304 and
4 section 34 of this act, unless the context otherwise requires:

5 (1) Gender with reference to the masculine or feminine
6 gender shall be construed to apply to either or both genders;

7 (2) Executive budget shall mean the budget proposed by
8 the Governor to the Legislature as the basis of appropriations for
9 the operation of and capital outlay by state government during the
10 period covered by such budget;

11 (3) Approved budget shall mean the executive or
12 Governor's budget as modified by appropriations actions of the
13 Legislature;

14 (4) Budgetary allotments shall mean the plan of
15 expenditures, by program, subprogram, activity, or object of
16 expenditure under the approved budget for monthly or other
17 applicable periods of time within each fiscal year, to which a
18 department or agency may be held during such period of time within
19 the fiscal year;

20 (5) Accrual system shall mean the recording of revenue
21 when earned and the recording of expenditures as soon as they
22 result in liabilities, notwithstanding the fact that the receipt of
23 the revenue or payment of the expenditure may take place, in whole
24 or in part, in another accounting period;

25 (6) Double entry system shall mean a system of
26 bookkeeping which requires for every entry made to the debit side
27 of an account or accounts an entry for a corresponding amount or
1 amounts to the credit side of another account or accounts resulting
2 in a self-balancing accounting system;

3 (7) Disbursement shall mean payment from the state
4 treasury;

5 (8) Expenditure shall mean, when an accrual system has
6 been established, total liability incurred by contract, purchase
7 order, or payroll commitments or as otherwise provided by law,
8 whether or not related disbursement has been made from the state
9 treasury, and shall mean, until an accrual system has been
10 established, disbursements from the state treasury;

11 (9) Revenue shall mean, when an accrual system has been
12 established, additions to assets which do not increase any
13 liability or represent the recovery of an expenditure or
14 disbursement or any part thereof or the cancellation of liabilities
15 without a corresponding increase in other liabilities or a decrease
16 in assets. Until an accrual system has been established, this term
17 shall mean additions to cash in the state treasury or for deposit
18 in the state treasury only;

19 (10) Receipts shall mean cash received, unless otherwise
20 qualified;

21 (11) Budgetary accounting shall mean a system of accounts
22 designed to reflect budget operations and conditions such as
23 estimated revenue, appropriations, and encumbrances as distinct
24 from proprietary accounts designed to show the status of the
25 assets, liabilities, and surplus of the state and its departments
26 and agencies;

27 (12) Encumbrances shall mean charges to appropriation
1 accounts to reflect obligations for which a part of the
2 appropriation is reserved and which shall cease to be encumbrances
3 when paid or when an actual liability is established in a
4 proprietary account;

5 (13) Financing agreement shall mean any bond,
6 lease-purchase obligation, installment sales contract, or similar
7 financial arrangement, for a period greater than one year, which is
8 entered into by the state or any agency, board, or commission
9 thereof, not including the University of Nebraska or state
10 colleges, in accordance with the Constitution of Nebraska and
11 statutes of this state, relating to capital construction, real
12 property acquisition, and personal property acquisition;

13 (14) Proprietary account shall mean those accounts
14 designed to show actual financial position and operations such as
15 actual assets, liabilities, surplus, revenue, and expenditures, as
16 distinguished from budgetary accounts;

17 (15) Program shall mean a major operation of the state
18 government directed toward the achievement of a definite legal
19 objective and which, in most instances, could be carried on
20 independently of other major operations of the state as defined and
21 described in the accounting and budgeting manuals on file in the
22 office of the Director of Administrative Services;

23 (16) Subprogram shall mean one or more operations of a
24 department or agency of the state designed jointly to accomplish a
25 major program objective as defined in the accounting and budgeting
26 manuals on file in the office of the Director of Administrative
27 Services;

1 (17) Activity shall mean one or more operations of a
2 department or agency of the state designed jointly to accomplish
3 the objective of a subprogram to which it is related as defined in
4 the accounting and budgeting manual on file in the office of the
5 Director of Administrative Services;

6 (18) Staffing pattern shall mean the number of positions
7 in each class and the specific classes of positions as may be
8 authorized for each department or agency for such department or
9 agency programs, subprograms, and activities;

10 (19) Approved project shall mean any acquisition of land
11 or buildings, any construction or major remodeling of new or newly
12 acquired buildings or structures or of existing state-owned
13 buildings or structures, excluding state highways or state roads or
14 aeronautical projects, or any additions to buildings or structures
15 of land owned by the state or its departments or agencies for which
16 an appropriation or other act of the Legislature makes provision;

17 (20) Machine time shall mean the hours or fractions
18 thereof of operation of each component of a machine data processing
19 system together with the hours or fractions thereof of machine
20 operator time for each such component devoted to the production of
21 a report or tabulation or the processing of data necessary to such
22 production and shall also include a proportional reflection of the
23 hours or fractions thereof of supervisory time so that all costs of
24 operation of the information management services division may be
25 reflected in billings to benefiting departments or agencies;

26 (21) Budget request shall mean the complete recitation,
27 on forms prescribed by the budget division and in the manner
1 prescribed by such division, of the operating and construction
2 funds requests of a department or agency for the biennium next
3 following the then current biennium;

4 (22) Department shall mean the Department of
5 Administrative Services; and

6 (23) Director shall mean the Director of Administrative
7 Services.

8 Sec. 19. Section 81-1108, Revised Statutes Supplement,
9 2002, is amended to read:

10 81-1108. The Department of Administrative Services shall
11 fulfill the functions in the administration of state government of
12 fiscal control, of centralizing services, of personnel services,
13 and of risk management. There shall be separate divisions within
14 the department to assist in fulfilling these functions. The
15 divisions shall be the accounting division and the budget division
16 in the area of fiscal control, the information management services
17 division, materiel division, state building division, and division
18 of communications in the area of centralized services, the
19 personnel division and the Division of Employee Relations in the
20 area of personnel services, and the risk management and state
21 claims division in the area of risk management. The Director of
22 Administrative Services shall appoint a separate administrator as
23 head of each division other than the Division of Employee
24 Relations. The director shall have the responsibility and
25 authority for directing and coordinating the programs and
26 activities of the several divisions and shall be empowered to
27 remove the administrators of any of the several divisions other

1 than the Chief Negotiator at his or her discretion. The director
2 shall have the power to delegate authority for administration of
3 sections 81-1101 to 81-1189 and 81-1301 to 81-1391 and section 34
4 of this act and the Risk Management Program to any of the division
5 heads as he or she may deem appropriate except as otherwise
6 provided by law.

7 Sec. 24. Section 81-1108.22, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-1108.22. (1) The division shall have the
10 responsibility of providing office space in leased and state-owned
11 buildings in the proximity of the State Capitol and in other
12 locations.

13 (2) When any board, agency, commission, or department of
14 the state government not otherwise specifically authorized by law
15 desires to use funds available for the purpose of renting office
16 space outside of the State Capitol, it shall submit a request to
17 the Director of Administrative Services accompanied by a
18 certificate from the Committee on Building Maintenance that there
19 is no state-owned property which is adequate or which through
20 cost-effective renovation, as determined by the division, could be
21 made adequate to meet the needs of the board, agency, commission,
22 or department. If the director approves the lease, the terms and
23 location shall be approved by the director and the administrator in
24 writing and the leases shall be entered into and administered by
25 the administrator on behalf of the board, agency, commission, or
26 department. A copy of all such lease contracts shall be kept on
27 file by the state building division and shall be open to inspection
1 by the Legislature and the public during normal business hours.

2 (3) The administrator shall develop a system of charges
3 to cover basic rental, maintenance, renovations, and operation of
4 such leased and owned properties. The charges to state agencies,
5 boards, commissions, or departments of state government shall be
6 paid from funds available for the purpose of renting space on a
7 regular basis and placed, as applicable, in the State Building
8 Revolving Fund, ~~which fund is hereby created~~, and the State
9 Building Renewal Assessment Fund. The administrator shall make
10 payments for basic rentals, renovations, and maintenance and
11 operational costs of all leased and owned buildings from the State
12 Building Revolving Fund, except for expenses relating to security
13 as provided by the Nebraska State Patrol on state-owned or leased
14 buildings and grounds in Lincoln, Nebraska.

15 (4) The charges for such leased and owned properties
16 shall only be adjusted by the administrator on July 1. Prior to
17 any adjustment in the system of charges, the Department of
18 Administrative Services, on or before December 1 of the year
19 preceding the effective date of such adjustment, shall provide
20 written notification to the Committee on Building Maintenance, the
21 Clerk of the Legislature, and the Legislative Fiscal Analyst of the
22 proposed adjustment to the system of charges.

23 (5) Commencing on April 18, 1992, all leases of real
24 property entered into by any state agency, board, commission, or
25 department shall be subject to this section. Leases held by a
26 state agency, board, commission, or department on such date shall
27 be valid until the lease contract is terminated or is subject to
1 renewal. The division shall monitor all such leases and determine
2 when the lease is subject to renewal. Once the determination is
3 made, the division shall cancel the lease as of the renewal date
4 and shall treat the need of the agency, board, commission, or
5 department as an original request for space and subject to this
6 section. This subsection shall not apply to (a) state-owned
7 facilities to be rented to state agencies or other parties by the
8 University of Nebraska, the Nebraska state colleges, the Department
9 of Aeronautics, the Department of Roads, and the Board of
10 Educational Lands and Funds, (b) facilities to be leased for use by
11 the University of Nebraska, the Nebraska state colleges, and the
12 Board of Educational Lands and Funds, (c) facilities to be leased
13 for nonoffice use by the Department of Roads, or (d) facilities
14 controlled by the State Department of Education, which were
15 formerly controlled by the Nebraska School for the Visually
16 Handicapped, to be rented to state agencies or other parties by the
17 department.

18 Sec. 33. Section 81-1109, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-1109. The Director of Administrative Services shall
21 be responsible to the Governor for provision of technical
22 assistance, advice, and information concerning the financial and
23 administrative operations of all agencies of the state, for
24 provision of technical assistance and advice on the preparation of
25 the Governor's budget, otherwise referred to in sections 11-119,
26 81-106, 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and
27 84-304 and section 34 of this act as the executive budget, and for
1 administration of the approved budget within the limits of
2 appropriations provided except as otherwise provided by law. He or
3 she shall be responsible to the Governor for the provision of
4 current reports of the financial condition of the state and each of
5 its departments and agencies and for the provision of timely
6 recommendations for dealing with financial, management, and
7 organizational problems affecting the administration of the
8 business of the state and its departments and agencies.

9 Sec. 34. The State Building Revolving Fund is created.
10 The fund shall be administered by the State Building Administrator.
11 The fund shall consist of rental charges and other receipts
12 collected pursuant to contractual agreements between the state
13 building division and other entities as authorized by law. The
14 fund shall be used to support the operations of the state building
15 division as provided by law. That portion of rental revenue
16 collected from state-owned or leased buildings and grounds in
17 Lincoln, Nebraska, relating to security assessments shall be

18 administratively transferred from the State Building Revolving Fund
 19 to the Nebraska State Patrol Cash Fund on a periodic basis. Any
 20 money in the State Building Revolving Fund available for investment
 21 shall be invested by the state investment officer pursuant to the
 22 Nebraska Capital Expansion Act and the Nebraska State Fund
 23 Investment Act.

24 Sec. 36. Sections 16, 17, 19, 24, 33, 34, and 38 of this
 25 act become operative on July 1, 2003. The other sections of this
 26 act become operative on their effective date.

27 Sec. 38. Original sections 81-1101, 81-1102, 81-1108.22,
 1 and 81-1109, Reissue Revised Statutes of Nebraska, and section
 2 81-1108, Revised Statutes Supplement, 2002, are repealed."

3 2. On page 33, line 9, strike "To" and insert "The
 4 Nebraska State Patrol shall".

5 3. Renumber the remaining sections and correct internal
 6 references accordingly.

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

Pending.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 724:
 AM1337

(Amendments to Standing Committee amendments, AM1031)

- 1 1. On page 4, line 18, strike the second "and" and
- 2 insert "but continue to"; and strike beginning with "based" in line
- 3 20 through "department" in line 21.
- 4 2. On page 5, line 17, strike "administrative and
- 5 clinical officer for" and after "health" insert "officer".

Senator Hartnett filed the following amendment to LB 249:
 AM1405

- 1 1. On page 2, strike beginning with "A" in line 16
- 2 through line 28.

SELECT FILE

LEGISLATIVE BILL 439. Senator Wehrbein asked unanimous consent to bracket until April 24, 2003. No objections. So ordered.

Senator Stuthman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 265. E & R amendment, AM7097, found on page 1138, was adopted.

Senator Chambers offered the following motion:
Recommit to the Judiciary Committee.

Senators Aguilar, Beutler, Brashear, Byars, Cunningham, Jones, Kruse, McDonald, Dw. Pedersen, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BROMM PRESIDING

Pending.

STANDING COMMITTEE REPORT Banking, Commerce and Insurance

LEGISLATIVE BILL 747. Placed on General File as amended.
Standing Committee amendment to LB 747:
AM1356

- 1 1. Strike original sections 1 to 4 and insert the
- 2 following new sections:
- 3 "Section 1. Section 44-1978, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-1978. Sections 44-1978 to 44-19,105 and section 2 of
- 6 this act shall be known and may be cited as the Title Insurers Act.
- 7 Sec. 2. On or after January 1, 2004, when it appears
- 8 from the records of the register of deeds that (1) the parcel of
- 9 real estate may be the result of a subdivision of a larger parcel,
- 10 which subdivision may not have been in compliance with a state
- 11 statute or local ordinance or resolution governing subdivision of
- 12 land and (2) no evidence of compliance with such statute,
- 13 ordinance, or resolution appears in the records of the register of
- 14 deeds, a title insurer shall:
- 15 (a) Issue a policy endorsement affirmatively insuring the
- 16 insured owner against loss sustained in the event the conveyance to
- 17 the insured owner of the land described in the policy is a
- 18 violation of any state statute or local ordinance or resolution
- 19 governing subdivision of land in effect at the date of the policy;
- 20 (b) Issue an owner's title insurance policy that provides
- 21 equivalent coverage; or
- 22 (c) Obtain and file of record evidence of compliance with
- 23 all state statutes and local ordinances and resolutions governing
- 24 the subdivision of the parcel of land being insured.
- 1 This section applies to owner-occupied one to four family
- 2 residential real estate.
- 3 Sec. 3. Section 44-1984, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 44-1984. (1) No insurer that transacts any line of
- 6 business other than title insurance shall be eligible for the
- 7 issuance or renewal of a certificate of authority to transact the
- 8 business of title insurance in this state nor shall title insurance

9 be transacted, underwritten, or issued by any insurer transacting
10 or authorized to transact any other line of business.

11 (2)(a) Notwithstanding subsection (1) of this section,
12 and to the extent such coverage is lawful within this state, a
13 title insurer shall is expressly authorized to issue closing or
14 settlement protection ~~covering~~ to a proposed insured upon request
15 if the title insurer issues a title insurance commitment or title
16 insurance policy. Such closing or settlement protection shall
17 conform to the terms of coverage and form of instrument as required
18 by the director and ~~shall~~ may indemnify a proposed insured solely
19 against loss of settlement funds only because of the following acts
20 of a title insurer's named title 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
24 relating to title insurance coverage.

25 (b) The director may prescribe or approve a required
26 charge for providing the coverage.

27 (c) A title insurer shall not provide any other coverage
1 which purports to indemnify against improper acts or omissions of a
2 person with regard to escrow, settlement, or closing services.

3 Sec. 4. Section 44-1993, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 44-1993. (1) A title insurer shall not accept title
6 insurance business from a title insurance agent unless there is in
7 force a written contract between the parties which sets forth the
8 responsibilities of each party and, when both parties share
9 responsibility for a particular function, specifies the division of
10 responsibilities.

11 (2) For each title insurance agent under contract with a
12 title insurer, the title insurer shall have on file a statement of
13 financial condition of each title insurance agent as of the end of
14 the previous calendar year setting forth an income statement of
15 title insurance business done during the preceding year and a
16 balance sheet showing the condition of its affairs as of the prior
17 December 31 certified by the title insurance agent as being a true
18 and accurate representation of the title insurance agent's
19 financial condition. Attorneys actively engaged in the practice of
20 law, other than that related to title insurance business, are
21 exempt from the requirements of this subsection.

22 (3) A title insurer shall, at least annually, conduct an
23 onsite review of the underwriting, claims, and escrow practices of
24 the title insurance agent which shall include a review of the title
25 insurance agent's title insurance policy form inventory and
26 processing operations. If the title insurance agent does not
27 maintain separate financial institution or trust accounts for each
1 title insurer it represents, the title insurer shall verify that
2 the funds held on its behalf are reasonably ascertainable from the
3 books of account and records of the title insurance agent.

4 (4) Within thirty days after executing or terminating a
5 contract with a title insurance agent, a title insurer shall
6 provide written notification of the appointment or termination and
7 the reason for termination to the director. Notices of appointment
8 of a title insurance agent shall be made on a form prescribed or
9 approved by the director.

10 (5) A title insurer shall maintain an inventory of all
11 title insurance policy forms or title insurance policy numbers
12 allocated to each title insurance agent.

13 (6) A title insurer shall have on file proof that each
14 title insurance agent is licensed by this state.

15 (7) A title insurer shall establish the underwriting
16 guidelines and, when applicable, limitations on title claims
17 settlement authority to be incorporated into contracts with its
18 title insurance agents.

19 (8)(a) A title insurer is liable for the defalcation,
20 conversion, or misappropriation by a title insurance agent
21 appointed by or under written contract with such title insurer of
22 escrow, settlement, closing, or security deposit funds handled by
23 such title insurance agent in contemplation of or in conjunction
24 with the issuance of a title insurance commitment or title
25 insurance policy by such title insurer. However, if no such title
26 insurance commitment or title insurance policy was issued, each
27 title insurer which appointed or maintained a written contract with
1 such title insurance agent at the time of the discovery of the
2 defalcation, conversion, or misappropriation shares in the
3 liability for the defalcation, conversion, or misappropriation in
4 the same proportion that the premium remitted to the title insurer
5 by such title insurance agent during the twelve-month period
6 immediately preceding the date of the discovery of the defalcation,
7 conversion, or misappropriation bears to the total premium remitted
8 to all title insurers by such title insurance agent during the
9 twelve-month period immediately preceding the date of the discovery
10 of the defalcation, conversion, or misappropriation.

11 (b) For purposes of this subsection, title insurance
12 agent includes (i) a person with whom a title insurer maintains a
13 title insurance agency agreement and (ii) an employer or employee
14 of a title insurance agent or of a person with whom a title insurer
15 maintains a title insurance agency agreement.

16 Sec. 5. Section 44-19,106, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 44-19,106. Sections 44-19,106 to 44-19,123 and section 7
19 of this act shall be known and may be cited as the Title Insurance
20 Agent Act.

21 Sec. 6. Section 44-19,116, Revised Statutes Supplement,
22 2002, is amended to read:

23 44-19,116. (1)(a) A title insurance agent may operate as
24 an escrow, security, settlement, or closing agent subject to the
25 requirements of subdivisions (b) through ~~(e)~~ (f) of this

26 subsection.

27 (b) All funds deposited with the title insurance agent in
1 connection with an escrow, settlement, closing, or security deposit
2 shall be submitted for collection to or deposited in a separate
3 fiduciary trust account or accounts in a qualified financial
4 institution no later than the close of the next business day in
5 accordance with the following requirements:

6 (i) The funds shall be the property of the person or
7 persons entitled to them under the provisions of the escrow,
8 settlement, security deposit, or closing agreement and shall be
9 segregated for each depository by escrow, settlement, security
10 deposit, or closing in the records of the title insurance agent in
11 a manner that permits the funds to be identified on an individual
12 basis; and

13 (ii) The funds shall be applied only in accordance with
14 the terms of the individual instructions or agreements under which
15 the funds were accepted.

16 (c) Funds held in an escrow account shall be disbursed
17 only pursuant to a written instruction or agreement specifying how
18 and to whom such funds may be disbursed.

19 (d) Funds held in a security deposit account shall be
20 disbursed only pursuant to a written agreement specifying:

21 (i) What actions the indemnitor shall take to satisfy his
22 or her obligation under the agreement;

23 (ii) The duties of the title insurance agent with respect
24 to disposition of the funds held, including a requirement to
25 maintain evidence of the disposition of the title exception before
26 any balance may be paid over to the depositing party or his or her
27 designee; and

1 (iii) Any other provisions the director may require.

2 (e)(i) Disbursements may be made out of an escrow,
3 settlement, or closing account only if funds in an amount at least
4 equal to the disbursement have first been received and if the funds
5 received are in one of the following forms:

6 (A) Lawful money of the United States;

7 (B) Wired funds when unconditionally held by the title
8 insurance agent;

9 (C) Cashier's checks, certified checks, bank money
10 orders, or teller's checks issued by a federally insured financial
11 institution and unconditionally held by the title insurance agent;
12 and

13 (D) United States treasury checks, federal reserve bank
14 checks, federal home loan bank checks, and State of Nebraska
15 warrants.

16 (ii) For purposes of this subdivision, federally insured
17 financial institution means an institution in which monetary
18 deposits are insured by the Federal Deposit Insurance Corporation
19 or National Credit Union Administration.

20 (f) Before a title insurance agent performs escrow,

21 security, settlement, or closing services that facilitate an
22 exchange under section 1031 of the Internal Revenue Code, the owner
23 of the funds to be deposited with the title agent shall receive
24 from the title insurance agent a written disclosure, on a separate
25 paper with no other information on the paper, which states that:
26 (i) Such services performed by a title insurance agent
27 are not regulated by the Department of Banking and Finance, the
1 Department of Insurance, or any other agency of the State of
2 Nebraska or by any agency of the United States Government;
3 (ii) The safety and security of such funds is not
4 guaranteed by any agency of the State of Nebraska or of the United
5 States Government or otherwise protected by law; and
6 (iii) The owner of such funds should satisfy himself or
7 herself as to the safety and security of such funds.
8 (2) On and after January 1, 2004, every title insurance
9 agent shall have an annual audit made of its escrow, settlement,
10 closing, and security deposit accounts, conducted by a certified
11 public accountant on a calendar year basis at its expense within
12 ninety days after the close of the previous calendar year. The
13 title insurance agent shall provide a copy of the audit report to
14 each title insurer which it represents. The director may adopt and
15 promulgate rules and regulations setting forth the minimum
16 threshold level at which an audit would be required, the standards
17 of audit, and the form of audit report required. The director may
18 also require a title insurance agent to provide a copy of its audit
19 report to the director. Title insurance agents who are attorneys
20 and who issue title insurance policies as part of their legal
21 representation of clients are exempt from the requirements of this
22 subsection. However, the title insurer may, at its expense,
23 conduct or cause to be conducted an annual audit of the escrow,
24 settlement, closing, and security deposit accounts of the attorney.
25 Attorneys who are exclusively in the business of title insurance
26 are not exempt from the requirements of this subsection.
27 (3) If the title insurance agent is appointed by two or
1 more title insurers and maintains fiduciary trust accounts in
2 connection with providing escrow, closing, or settlement services,
3 the title insurance agent shall allow each title insurer reasonable
4 access to the accounts and any or all of the supporting account
5 information in order to ascertain the safety and security of the
6 funds held by the title insurance agent.
7 (4) (3) Nothing in the Title Insurance Agent Act shall be
8 deemed to prohibit the recording of documents prior to the time
9 funds are available for disbursement with respect to a transaction
10 if all parties consent to the transaction in writing.
11 (5) (4) Nothing in this section is intended to amend,
12 alter, or supersede other sections of the act or the laws of this
13 state or the United States regarding an escrow holder's duties and
14 obligations.
15 (6) (5) The director may prescribe a standard agreement

16 for escrow, settlement, closing, or security deposit funds.
 17 Sec. 7. Whenever the director has reasonable cause to
 18 believe that a title insurance agent is violating the Title
 19 Insurance Agent Act or any rules and regulations adopted and
 20 promulgated thereunder, the director may, without notice, and
 21 before a hearing, issue a summary cease and desist order. At the
 22 same time the order is issued, the director shall serve notice to
 23 the title insurance agent of the reasons for such order and that
 24 the title insurance agent may request a hearing in writing within
 25 ten business days after receipt of the order. If a hearing is
 26 requested, the director shall schedule a hearing within ten
 27 business days after receipt of the request. The hearing shall be
 1 conducted in accordance with the Administrative Procedure Act. If
 2 a hearing is not requested and none is ordered by the director, the
 3 order shall remain in effect until modified or vacated by the
 4 director. Any title insurance agent aggrieved by a final order of
 5 the director may appeal the order. The appeal shall be in
 6 accordance with the Administrative Procedure Act. In the event of
 7 noncompliance with a summary cease and desist order, the director
 8 may cause a complaint to be filed in the district court to enforce
 9 the order.
 10 Sec. 8. Original sections 44-1978, 44-1993, and
 11 44-19,106, Reissue Revised Statutes of Nebraska, and sections
 12 44-1984 and 44-19,116, Revised Statutes Supplement, 2002, are
 13 repealed."
 14 2. Renumber the remaining section accordingly.

(Signed) Mark Quandahl, Chairperson

AMENDMENTS - Print in Journal

Senator Price filed the following amendment to LB 303:
 AM1364

(Amendments to E & R amendments, AM7100)

- 1 1. On page 17, line 4, after the last comma insert "or";
- 2 and strike beginning with the comma in line 5 through "handlebar"
- 3 in line 6.

Senators Bromm, Hartnett, and Mines filed the following amendment to
LB 249:
 AM1418

(Amendments to Standing Committee amendments, AM0931)

- 1 1. Strike amendment 2.
- 2 2. Insert the following new section:
- 3 "Section 1. Section 79-235, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-235. For purposes of all duties, entitlements, and
- 6 rights established by law, including special education as provided
- 7 in section 79-1127, except as provided in section 79-241, option

8 students shall be treated as resident students of the option school
9 district. The option student may request a particular school
10 building, but the building assignment of the option student shall
11 be determined by the option school district. Option students shall
12 be treated similarly as other students who enroll in a Nebraska
13 high school after the student has either attended another Nebraska
14 high school or participated in varsity extracurricular activities
15 sponsored by another Nebraska high school. For purposes of this
16 section, varsity extracurricular activities means the principal
17 team or group that represents a high school in interscholastic
18 competition.".

19 3. On page 1, line 1, strike "original section 2" and
20 insert "the original sections".

21 4. On page 6, line 11, after "Original" insert "section
22 79-235, Reissue Revised Statutes of Nebraska, and" and strike
23 "79-237,".

1 5. Renumber the remaining sections and correct internal
2 references accordingly.

3 6. Renumber the remaining amendment accordingly.

VISITORS

Visitors to the Chamber were 18 eleventh-grade students and teachers from Heinsberg, Germany; 9 fourth-grade students and teacher from Coleridge; Flora Salto from Mexico City and Greg Beam from Lincoln; Thomas and Maggie Morehouse from Lincoln; 60 fourth-grade students and teachers from La Vista West Elementary School, La Vista; 85 fourth-grade students and teacher from Ackerman Elementary School, Omaha; Senator Dw. Pedersen's wife, Poe, daughter and son-in-law, Michaela and Emanuel Jackson, and his 4 grandchildren; and 65 fourth-grade students and teachers from G. Stanley Hall Elementary School, La Vista.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 1:36 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Tuesday, April 22, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 22, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 22, 2003

PRAYER

The prayer was offered by Monsignor Herbek, St. Mary's Catholic Church, David City, 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 Combs who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 759. Title read. Considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment, AM1142, printed separately and referred to on page 1155, was considered.

Senator Landis 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:
FA1326

3 "Section 1. Section 77-2602, Revised Statutes

4 Supplement, 2002, 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, sixty-four cents per
12 package; ~~until October 1, 2004, and thirty-four cents per package~~
13 ~~commencing October 1, 2004;~~ and on packages containing more than
14 twenty cigarettes, the same tax as provided on packages containing
15 not more than twenty cigarettes for the first twenty cigarettes in
16 each package and a tax of one-twentieth of the tax on the first
17 twenty cigarettes on each cigarette in excess of twenty cigarettes
18 in each package. Commencing July 1, 1994, and continuing until
19 ~~July 1, 2009~~ October 1, 2004, the State Treasurer shall place the
20 equivalent of twenty-one cents of such tax less three million
21 dollars each fiscal year of proceeds of such tax in the General
22 Fund. Commencing October 1, 2004, the State Treasurer shall place
23 the equivalent of forty-nine cents of such tax less three million
24 dollars each fiscal year of proceeds of such tax in the General
25 Fund. Commencing July 1, 2009, the State Treasurer shall place the
26 equivalent of ~~twenty-one~~ forty-nine cents of such tax in the
27 General Fund. For purposes of this section, the equivalent of a
28 specified number of cents of the tax shall mean that portion of the
29 proceeds of the tax equal to the specified number divided by the
30 tax rate per package of cigarettes containing not more than twenty
31 cigarettes. The State Treasurer shall distribute the remaining
32 proceeds of such tax in the following order:

33 (a) First, beginning July 1, 1980, the State Treasurer
34 shall place the equivalent of one cent of such tax in the Nebraska
35 Outdoor Recreation Development Cash Fund. For fiscal year
36 distributions occurring after FY1998-99, the distribution under
37 this subdivision shall not be less than the amount distributed
38 under this subdivision for FY1997-98. Any money needed to increase
39 the amount distributed under this subdivision to the FY1997-98
40 amount shall reduce the distribution to the General Fund;

41 (b) Second, beginning July 1, 1993, the State Treasurer
42 shall place the equivalent of three cents of such tax in the
43 Department of Health and Human Services Finance and Support Cash
44 Fund to carry out sections 81-637 to 81-640. For fiscal year
45 distributions occurring after FY1998-99, the distribution under
46 this subdivision shall not be less than the amount distributed
47 under this subdivision for FY1997-98. Any money needed to increase
48 the amount distributed under this subdivision to the FY1997-98
49 amount shall reduce the distribution to the General Fund;

50 (c) Third, beginning July 1, 2001, and continuing until
51 October 1, 2002, the State Treasurer shall place the equivalent of
52 1 five cents of such tax in the Building Renewal Allocation Fund.
53 Beginning October 1, 2002, and continuing until ~~October 1, 2004~~ all
54 the purposes of the Deferred Building Renewal Act have been
55 fulfilled, the State Treasurer shall place the equivalent of seven

5 cents of such tax in the Building Renewal Allocation Fund.
Beginning October 1, 2004, and continuing until all the purposes of the Deferred Building Renewal Act have been fulfilled, the State Treasurer shall place the equivalent of five cents of such tax in the Building Renewal Allocation Fund. The Legislature shall appropriate each fiscal year all sums inuring to the fund, plus interest earnings for the Task Force for Building Renewal to be used to carry out its duties and to fulfill the purposes of the Deferred Building Renewal Act. Unexpended balances existing at the end of each fiscal year shall be, and are hereby, reappropriated. For fiscal year distributions occurring after FY1998-99, the distribution under this subdivision shall not be less than five-sevenths of the amount distributed under this subdivision for FY1997-98. Any money needed to increase the amount distributed under this subdivision to five-sevenths of the FY1997-98 amount shall reduce the distribution to the General Fund;

(d) Fourth, until October 1, 2002, and beginning on October 1, 2004, the State Treasurer shall place the difference between the equivalent of thirteen cents of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through (c) and (f) through (h) of this subsection in a special fund to be known as the Nebraska Capital Construction Fund. Beginning October 1, 2002, and continuing until October 1, 2004, the State Treasurer shall place the difference between the equivalent of forty-three cents of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through (c) and (f) through (i) of this subsection in the Nebraska Capital Construction Fund;

(e) Fifth, beginning July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of three million dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of three million dollars each year for fiscal year 1994-95 through fiscal year 2008-09;

(f) Sixth, beginning July 1, 2001, the State Treasurer shall place the equivalent of two cents of such tax in the Information Technology Infrastructure Fund;

(g) Seventh, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million dollars each fiscal year in the City of the Primary Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to this subsection by that amount required to fulfill the one million dollars to be distributed pursuant to this subdivision;

(h) Eighth, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million five hundred thousand dollars each fiscal year in the City of the Metropolitan Class Development Fund. If necessary, the State 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; and
3 (i) Ninth, beginning October 1, 2002, and continuing
4 until October 1, 2004, the State Treasurer shall place the
5 equivalent of twenty-eight cents of such tax in the Cash Reserve
6 Fund.

7 (2) The Legislature hereby finds and determines that the
8 projects funded from the Municipal Infrastructure Redevelopment
9 Fund and the Building Renewal Allocation Fund are of critical
10 importance to the State of Nebraska. It is the intent of the
11 Legislature that the allocations and appropriations made by the
12 Legislature to such funds or, in the case of allocations for the
13 Municipal Infrastructure Redevelopment Fund, to the particular
14 municipality's account not be reduced until all contracts and
15 securities relating to the construction and financing of the
16 projects or portions of the projects funded from such funds or
17 accounts of such funds are completed or paid or, in the case of the
18 Municipal Infrastructure Redevelopment Fund, the earlier of such
19 date or July 1, 2009, and that until such time any reductions in
20 the cigarette tax rate made by the Legislature shall be
21 simultaneously accompanied by equivalent reductions in the amount
22 dedicated to the General Fund from cigarette tax revenue. Any
23 provision made by the Legislature for distribution of the proceeds
24 of the cigarette tax for projects or programs other than those to
25 (a) the General Fund, (b) the Nebraska Outdoor Recreation
26 Development Cash Fund, (c) the Department of Health and Human
27 Services Finance and Support Cash Fund, (d) the Municipal
1 Infrastructure Redevelopment Fund, (e) the Building Renewal
2 Allocation Fund, (f) the Information Technology Infrastructure
3 Fund, (g) the City of the Primary Class Development Fund, (h) the
4 City of the Metropolitan Class Development Fund, and (i) the Cash
5 Reserve Fund shall not be made a higher priority than or an equal
6 priority to any of the programs or projects specified in
7 subdivisions (a) through (i) of this subsection.

16 Sec. 13. Section 77-4008, Revised Statutes Supplement,
17 2002, is amended to read:

18 77-4008. (1) ~~Commencing on or after January 1, 1988, a~~ A
19 tax is hereby imposed upon the first owner of tobacco products to
20 be sold in this state. Prior to October 1, 2002, ~~and on and after~~
21 ~~October 1, 2004,~~ the tax shall be fifteen percent, and on and after
22 October 1, 2002, ~~and continuing until October 1, 2004,~~ the tax
23 shall be twenty percent; of (a) the purchase price of such tobacco
24 products paid by the first owner or (b) the price at which a first
25 owner who made, manufactured, or fabricated the tobacco product
26 sells the items to others. Such tax shall be in addition to all
27 other taxes.

1 (2) Whenever any person who is licensed under section
2 77-4009 purchases tobacco products from another person licensed

3 under section 77-4009, the seller shall be liable for the payment
4 of the tax.

5 (3) On and after October 1, 2002, and continuing until
6 October 1, 2004, the Tax Commissioner shall remit the amount
7 collected pursuant to this section to the State Treasurer, and the
8 State Treasurer shall credit three-fourths of such amount to the
9 General Fund and one-fourth of such amount to the Cash Reserve
10 Fund. On and after October 1, 2004, amounts collected shall be
11 used and distributed pursuant to section 77-4025.

Senator Hudkins asked unanimous consent to be excused until she returns.
No objections. So ordered.

Senator Chambers offered the following amendment to the first Standing
Committee amendment:

FA1329

Amend FA1326

On page 4, strike and show as stricken lines 5-11.

Senator Brown 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
38 ayes, 0 nays, and 11 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baker	Friend	Kremer	Mossey	Redfield
Chambers	Hartnett	Louden	Price	Smith
Erdman	Jones	Maxwell	Quandahl	Thompson

Voting in the negative, 29:

Aguilar	Burling	Janssen	Pedersen, Dw.	Stuthman
Beutler	Byars	Jensen	Pederson, D.	Synowiecki
Bourne	Conneally	Johnson	Raikes	Tyson
Brashear	Cunningham	Landis	Schimek	Vrtiska
Bromm	Engel	McDonald	Schrock	Wehrbein
Brown	Foley	Mines	Stuhr	

Present and not voting, 3:

Cudaback	Kruse	Preister

Excused and not voting, 2:

Combs

Hudkins

The Chambers amendment lost with 15 ayes, 29 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 613. Placed on General File.

LEGISLATIVE BILL 269. Placed on General File as amended.
Standing Committee amendment to LB 269:
AM0646

- 1 1. Strike section 10.
- 2 2. On page 4, lines 11 and 12, strike "26 U.S.C. 108(f)"
- 3 and insert "section 108(f) of the Internal Revenue Code"; and
- 4 strike beginning with "funds" in line 23 through "other" in line
- 5 24.
- 6 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendment to LB 298:
AM1254

- 1 1. On page 2, line 18, strike "Treatment" and insert
- 2 "Outpatient treatment".

LEGISLATIVE BILL 316. Placed on General File as amended.
Standing Committee amendment to LB 316:
AM1348

- 1 1. On page 3, strike beginning with "regardless" in line
- 2 26 through "consent" in line 27.
- 3 2 On page 4, strike beginning with "in" in line 1
- 4 through "Act" in line 2 and insert "as determined by the court" and
- 5 after "custody" insert "or joint physical custody"; in line 10
- 6 strike beginning with "include" through "specifies" and insert
- 7 "specify"; and in line 12 after "child" insert ". A decree may
- 8 include a parenting plan developed pursuant to the Parenting Act".

LEGISLATIVE BILL 438. Placed on General File as amended.
Standing Committee amendment to LB 438:
AM0790

- 1 1. On page 2, line 9, after "precursor" insert "or
- 2 reagent".
- 3 2. On page 3, line 11, after "(4)" insert "Any child or
- 4 vulnerable adult who resides with a person violating subsection (2)

5 or (3) of this section shall be taken into protective custody as
6 provided in the Adult Protective Services Act or the Nebraska
7 Juvenile Code.
8 (5)"; and in line 18 strike "(5)" and insert "(6)".

LEGISLATIVE BILL 495. Placed on General File as amended.
Standing Committee amendment to LB 495:
AM0659

1 1. On page 2, lines 16 and 17, strike "or one thousand
2 dollars, whichever is greater," and show as stricken.

LEGISLATIVE BILL 732. Placed on General File as amended.
Standing Committee amendment to LB 732:
AM1132

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 or her
16 contractor to pay all lawful claims for labor and material could
17 result in the filing of construction liens against the property.
18 It shall be the duty of the contractor to whom any such
19 disbursement is made to make such application of the loan proceeds.
20 (2) A subcontractor and material supplier may request
21 from the contractor and the contractor shall supply a list of the
22 dates on which loan proceeds or funds of the borrower are disbursed
23 for lawful claims for labor and material furnished for improvements
24 on real property pursuant to subsection (1) of this section.
1 Sec. 2. (1) For purposes of this section, construction
2 contract means a written agreement for the construction,
3 alteration, repair, maintenance, moving, or demolition of any
4 building, structure, or improvement to land.
5 (2) Notwithstanding any contractual provision to the
6 contrary, construction contracts for improvements to real property
7 located in Nebraska that provide for the resolution of disputes by
8 suit, arbitration, or other proceeding shall require any suit,
9 arbitration, or other proceeding to be brought in Nebraska and be
10 governed by the laws of Nebraska.
11 (3) In any action brought to collect payments and

12 interest pursuant to any construction contract, the prevailing
13 party shall be awarded court costs and reasonable attorney's fees.
14 Sec. 3. Original section 76-239.01, Reissue Revised
15 Statutes of Nebraska, is repealed."

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 759. Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1330

Amend FA1326

On page 4, strike and show as stricken lines 15-21.

Pending.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendment to LB 146:

AM7113

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 44-2825, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2825. (1) The total amount recoverable under the
- 6 Nebraska Hospital-Medical Liability Act from any and all health
- 7 care providers and the Excess Liability Fund for any occurrence
- 8 resulting in any injury or death of a patient may not exceed (a)
- 9 five hundred thousand dollars for any occurrence on or before
- 10 December 31, 1984, (b) one million dollars for any occurrence after
- 11 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one
- 12 million two hundred fifty thousand dollars for any occurrence after
- 13 December 31, 1992, and on or before December 31, 2003, and (d) one
- 14 million seven hundred fifty thousand dollars for any occurrence
- 15 after December 31, 2003.
- 16 (2) A health care provider qualified under the act shall
- 17 not be liable to any patient or his or her representative who is
- 18 covered by the act for an amount in excess of two hundred thousand
- 19 dollars for all claims or causes of action arising from any
- 20 occurrence during the period that the act is effective with
- 21 reference to such patient.
- 22 (3) Subject to the overall limits from all sources as
- 23 provided in subsection (1) of this section, any amount due from a
- 24 judgment or settlement which is in excess of the total liability of
- 1 all liable health care providers shall be paid from the Excess
- 2 Liability Fund pursuant to sections 44-2831 to 44-2833.

3 Sec. 2. Section 44-2827, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 44-2827. (1) Financial responsibility of a health care
6 provider may be established only by filing with the director proof
7 that the health care provider is insured pursuant to sections
8 44-2837 to 44-2839 or by a policy of professional liability
9 insurance in a company authorized to do business in Nebraska. Such
10 insurance shall be in the amount of two hundred thousand dollars
11 per occurrence and, in cases involving physicians or nurse
12 anesthetists, but not with respect to hospitals, an aggregate
13 liability of at least six hundred thousand dollars for all
14 occurrences or claims made in any policy year shall be provided.
15 In the case of hospitals and their employees, an aggregate
16 liability amount of one million dollars for all occurrences or
17 claims made in any policy year shall be provided. ~~Such filing~~
18 ~~shall state the amount of the premium charged for the policy of~~
19 ~~insurance.~~

20 (2) The filing required in subsection (1) of this section
21 shall be made by the insurer providing the professional liability
22 insurance to the health care provider and shall include the
23 following information:

24 (a) Name of the health care provider;
25 (b) Address of the health care provider;
26 (c) Whether the coverage is on an occurrence basis or a
27 claims-made basis or whether the coverage is a reporting
1 endorsement that covers for future reports of past occurrences;

2 (d) Coverage dates applying to the insurance;

3 (e) Requested effective dates of qualification;

4 (f) Premium paid by the health care provider for the
5 underlying insurance coverage necessary to qualify;

6 (g) Surcharge paid by the health care provider pursuant
7 to sections 44-2829 to 44-2831; and

8 (h) Any other information required by the director.

9 (3) The information reported to the director under
10 subsection (2) of this section shall not be subject to public
11 disclosure, except that in response to a request regarding a
12 specific health care provider for a specific date or range of
13 dates, the director shall disclose whether the health care provider
14 is qualified under the Nebraska Hospital-Medical Liability Act.

15 (4) The director shall adopt and promulgate notice
16 requirements for insurers to use in notifying policyholders of
17 their eligibility and the cost for qualification under the act.

18 Sec. 3. Section 44-2829, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 44-2829. (1) There is hereby created an Excess Liability
21 Fund to be collected and received by the director for the exclusive
22 use and purposes stated in the Nebraska Hospital-Medical Liability
23 Act. Such fund and any income from it shall be held by the State
24 Treasurer in trust, deposited in a separate account, and invested

25 and reinvested pursuant to law.

26 (2) To create the fund, an annual surcharge shall be
27 levied on all health care providers in Nebraska who have qualified
1 under sections 44-2824 and 44-2827. The surcharge for each health
2 care provider shall be determined by the director subject to the
3 following limitations:

4 (a) The annual surcharge shall not exceed fifty percent
5 of the annual premium paid by such health care provider for
6 maintenance of current financial responsibility as provided in
7 sections 44-2827 and 44-2837 to 44-2839; and

8 (b) The charge shall not exceed the amount necessary to
9 maintain the fund in the amount stated in section 44-2830.

10 (3) Such surcharge and any primary insurance premiums due
11 under sections 44-2837 to 44-2839 shall be due and payable within
12 thirty days after the health care provider has qualified in
13 Nebraska pursuant to section 44-2824 and shall be payable annually
14 thereafter in such amounts as may be determined by the director
15 insofar as the surcharge is concerned and by the risk manager
16 insofar as primary liability coverage is concerned. The insurer
17 which provides professional liability insurance to the health care
18 provider shall collect the surcharge from the provider and remit it
19 to the fund within thirty days after receipt.

20 (4) The net premiums payable for primary insurance
21 provided by the risk manager pursuant to sections 44-2837 to
22 44-2839 shall be deposited in the fund at least annually by the
23 risk manager.

24 (5) If the annual premium surcharge or premiums for
25 primary insurance under sections 44-2837 to 44-2839 are not paid to
26 the insurer within the time specified in subsection (3) of this
27 section, the qualification of the health care provider under
1 section 44-2824 shall be suspended until the annual premiums are
2 paid. Such suspension shall not be effective as to patients
3 claiming against the health care provider unless, at least thirty
4 days before the effective date of the suspension, a written notice
5 giving the date upon which the suspension becomes effective has
6 been provided by the director to the health care provider.

7 (6) The Director of Insurance, as administrator of the
8 fund, shall be responsible for legal defense of the fund. The
9 director, using money from the fund as deemed necessary,
10 appropriate, or desirable, may purchase the services of persons,
11 firms, and corporations to aid in protecting the fund against
12 claims. The Department of Justice shall not be responsible for
13 legal defense of the fund. All expenses of collecting, protecting,
14 and administering the fund shall be paid from the fund.

15 Sec. 4. Section 44-2831, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 44-2831. (1) The director may, at any time, analyze the
18 fund to determine if the amount in such fund is inadequate to pay
19 in full all claims allowed or to be allowed during the calendar

20 year. Upon such determination, the director shall have the power
21 to levy a special surcharge on all health care providers who have
22 qualified under the Nebraska Hospital-Medical Liability Act, which
23 special surcharge shall be an amount sufficient to permit full
24 payment of all claims allowed against the fund during a calendar
25 year. The special surcharge shall be levied against all health
26 care providers who have qualified under the Nebraska
27 Hospital-Medical Liability Act on the date of the special surcharge
1 or at any time during the preceding twelve months and shall be in
2 an amount proportionate to the surcharge each health care provider
3 has paid to the fund. Such special surcharge shall be due and
4 payable within thirty days after the same is levied. Such special
5 surcharge shall be collected by the health care provider's current
6 insurer if the health care provider is currently qualified or by
7 the health care provider's most recent insurer that provided
8 qualifying underlying coverage if the health care provider is no
9 longer qualified.

10 (2) The director shall have authority to cause all or any
11 part of the potential liability of the Excess Liability Fund to be
12 reinsured, if such reinsurance is available, on a fair and
13 reasonable basis. The cost of such reinsurance shall be paid by
14 the fund and the fact of the reinsurance shall be taken into
15 account in determining the surcharge as provided in sections
16 44-2829 and 44-2830, but in no event shall the surcharge exceed
17 fifty percent of the annual premium paid by a health care provider
18 for maintenance of current financial responsibility.

19 Sec. 5. Section 44-2840, Revised Statutes Supplement,
20 2002, is amended to read:

21 44-2840. (1) Provision is hereby made for the
22 establishment of medical review panels to review all malpractice
23 claims against health care providers covered by the Nebraska
24 Hospital-Medical Liability Act in advance of filing such actions.

25 (2) No action against a health care provider may be
26 commenced in any court of this state before the claimant's proposed
27 complaint has been presented to a medical review panel established
1 pursuant to section 44-2841 and an opinion has been rendered by the
2 panel.

3 (3) The proceedings for action by the medical review
4 panel shall be initiated by the patient or his or her
5 representative by notice in writing with copy of a proposed
6 complaint served upon the director personally or by registered or
7 certified mail. Such notice shall designate the claimant's choice
8 of the physician to serve on the panel, claimant's suggestion of an
9 attorney to serve, and the court where the action shall be filed,
10 if necessary.

11 (4) The claimant may affirmatively waive his or her right
12 to a panel review, and in such case the claimant may proceed to
13 file his or her action directly in court. If the claimant waives
14 the panel review, the claimant shall serve a copy of the complaint

15 upon the director personally or by registered or certified mail at
16 the time the action is filed in court.

17 ~~(5) The exercise of the waiver authorized by this section~~
18 ~~shall not be subject to attack for the sole reason that the~~
19 ~~claimant served the director with the notice prescribed by~~
20 ~~subsection (3) of this section prior to July 10, 1984, if the~~
21 ~~requirements of sections 44-2840 to 44-2847 have not been fulfilled~~
22 ~~on such date.~~

23 Sec. 6. Section 44-2842, Revised Statutes Supplement,
24 2002, is amended to read:

25 44-2842. (1) The evidence to be considered by the
26 medical review panel shall be promptly submitted by the respective
27 parties in written form only. If any party to the proceedings
1 fails to submit his or her evidence within a reasonable time after
2 notice from the panel requesting such evidence, the panel may
3 proceed to decide the matter on the evidence previously submitted.
4 The determination of reasonable time shall be made by the panel.
5 The evidence submitted may consist of medical charts, X-rays,
6 laboratory test results, excerpts of treatises, depositions of
7 witnesses including parties, and any other form of evidence
8 allowable by the medical review panel.

9 (2) Depositions of parties and witnesses may be taken
10 prior to the convening of the panel and prior to the commencement
11 of the action, but in such event the attorney for the medical care
12 provider shall be furnished with a copy of the complaint which the
13 claimant proposes to file at least ten days before any deposition
14 is taken. The patient shall have the right to request and receive
15 all medical and hospital records relating to his or her case which
16 would be admissible in evidence in a court of law. The chairperson
17 of the panel shall advise the panel relative to any legal question
18 involved in the review proceeding and shall prepare the opinion of
19 the panel. A copy of the evidence shall be sent to each member of
20 the panel.

21 (3) Either party, after submission of all evidence and
22 upon ten days' notice to the other side, shall have the right to
23 convene the panel at a time and place agreeable to the members of
24 the panel. At such time either party shall have the right to
25 present argument concerning any matters relevant to issues to be
26 decided by the panel before the issuance of its report. The
27 chairperson of the panel shall preside at all meetings, which
1 meetings shall be informal.

2 (4) If the members of the medical review panel have not
3 convened within six months of the initiation of the proceeding, the
4 judge ~~shall have authority to order the panel to convene~~ may
5 terminate the proceeding at the request of either party.

6 Sec. 7. (1) A person credentialed under the Uniform
7 Licensing Law to practice as a physician, osteopathic physician,
8 dentist, physician assistant, nurse, or physical therapist who,
9 without the expectation or receipt of monetary or other

10 compensation either directly or indirectly, provides professional
 11 services eligible for reimbursement under the medical assistance
 12 program established pursuant to sections 68-1018 to 68-1025 as a
 13 volunteer in a free clinic or other facility operated by a
 14 not-for-profit organization as defined in section 25-21,190, by an
 15 agency of the state, or by any political subdivision shall be
 16 immune from civil liability for any act or omission which results
 17 in damage or injury unless such damage or injury was caused by the
 18 willful or wanton act or omission of such practitioner.

19 (2) The individual immunity granted by subsection (1) of
 20 this section shall not extend to any act or omission of such
 21 practitioner which results in damage or injury if:

22 (a) The free clinic or other facility is operated by a
 23 licensed hospital;

24 (b) The practitioner has been disciplined by the
 25 professional board having oversight over that practitioner in the
 26 previous five years at the time of the act or omission causing
 27 injury; or

1 (c) The damage or injury is caused by such practitioner

2 (i) during the operation of any motor vehicle, airplane, or boat or

3 (ii) while impaired by alcohol or any controlled substance

4 enumerated in section 28-405.

5 Sec. 8. Original sections 44-2825, 44-2827, 44-2829, and
 6 44-2831, Reissue Revised Statutes of Nebraska, and sections 44-2840
 7 and 44-2842, Revised Statutes Supplement, 2002, are repealed.".

8 2. On page 1, strike beginning with "the" in line 1
 9 through line 5 and insert "medical liability; to amend sections
 10 44-2825, 44-2827, 44-2829, and 44-2831, Reissue Revised Statutes of
 11 Nebraska, and sections 44-2840 and 44-2842, Revised Statutes
 12 Supplement, 2002; to change provisions relating to recoverable
 13 amounts, filing of proof of insurance, notice, surcharges, and
 14 medical review panel proceedings under the Nebraska
 15 Hospital-Medical Liability Act; to provide immunity for volunteer
 16 medical personnel;".

(Signed) Ray Mossey, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 69, 70, 71, and 72 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 69, 70, 71, and 72.

VISITORS

Visitors to the Chamber were Senator Price's son, Ron, from Warren, Michigan; 26 fourth-grade students and teacher from Bloomfield Elementary School, Ralston; 18 fourth-grade students from Nemaha Valley School, Cook; 75 fourth-grade students and teachers from Wheeler Elementary School, Omaha; Senator Maxwell's father, niece, and nephew, Chuck, Mary, and Tim Maxwell from Omaha; and Senator Beutler's wife, Judy, from Lincoln, his mother, Dorothy, from Omaha, and his aunt, Myrt Arnold, from Omaha.

RECESS

At 11:57 a.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., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Hudkins and Jensen who were excused; and Senators Combs, Engel, Landis, Maxwell, and Price who were excused until they arrive.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 97, 118, 149, 200, 235, 258, 307, 349, 354, 444, 464, 476, 480, 481, 494, 498, 510, 521, 548, 610, 701, and 707.

ER9050

Enrollment and Review Change to LB 464

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 1 and 5, "corporations" has been struck and "business entities" inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT**Judiciary**

LEGISLATIVE BILL 43. Placed on General File as amended.

Standing Committee amendment to LB 43:

AM1246

- 1 1. Insert the following sections:
- 2 "Sec. 9. Section 28-101, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 28-101. Sections 28-101 to 28-1348 and section 10 of
- 5 this act shall be known and may be cited as the Nebraska Criminal
- 6 Code.
- 7 Sec. 10. (1) For purposes of this section:
- 8 (a) Bodily injury has the same meaning as in section
- 9 28-109;
- 10 (b) Chemical substance means a substance intended to be
- 11 used as a precursor or reagent in the manufacture of
- 12 methamphetamine or any other chemical intended to be used in the
- 13 manufacture of methamphetamine. Intent for purposes of this
- 14 subdivision may be demonstrated by the substance's use, quantity,
- 15 manner of storage, or proximity to other precursors or
- 16 manufacturing equipment;
- 17 (c) Child means a person under the age of nineteen years;
- 18 (d) Methamphetamine means methamphetamine, its salts,
- 19 optical isomers, and salts of its isomers;
- 20 (e) Paraphernalia means all equipment, products, and
- 21 materials of any kind which are used, intended for use, or designed
- 22 for use in manufacturing, injecting, ingesting, inhaling, or
- 23 otherwise introducing methamphetamine into the human body;
- 24 (f) Prescription has the same meaning as in section
- 1 28-401;
- 2 (g) Serious bodily injury has the same meaning as in
- 3 section 28-109; and
- 4 (h) Vulnerable adult has the same meaning as in section
- 5 28-371.
- 6 (2) Any person who knowingly or intentionally causes or
- 7 permits a child or vulnerable adult to inhale or have contact with
- 8 methamphetamine, a chemical substance, or paraphernalia is guilty
- 9 of a Class I misdemeanor. For any second or subsequent conviction
- 10 under this subsection, any person so offending is guilty of a Class
- 11 IV felony.
- 12 (3) Any person who knowingly or intentionally causes or
- 13 permits a child or vulnerable adult to ingest methamphetamine, a
- 14 chemical substance, or paraphernalia is guilty of a Class I
- 15 misdemeanor. For any second or subsequent conviction under this
- 16 statute, any person so offending shall be guilty of a Class IIIA
- 17 felony.
- 18 (4) Any person who violates subsection (2) or (3) of this
- 19 section and a child or vulnerable adult actually suffers serious
- 20 bodily injury by ingestion of, inhalation of, or contact with
- 21 methamphetamine, a chemical substance, or paraphernalia is guilty
- 22 of a Class IIIA felony unless the ingestion, inhalation, or contact
- 23 results in the death of the child or vulnerable adult, in which

24 case the person is guilty of a Class IB felony.
25 (5) It is an affirmative defense to a violation of this
26 section that the chemical substance was provided by lawful
27 prescription for the child or vulnerable adult and that it was
1 administered to the child or vulnerable adult in accordance with
2 the prescription instructions provided with the chemical substance.
3 Sec. 12. Section 43-250, Revised Statutes Supplement,
4 2002, is amended to read:
5 43-250. ~~An~~ A peace officer who takes a juvenile into
6 temporary custody under section 43-248 shall immediately take
7 reasonable measures to notify the juvenile's parent, guardian,
8 custodian, or relative and shall proceed as follows:
9 (1) The peace officer shall release such juvenile;
10 (2) The peace officer shall prepare in triplicate a
11 written notice requiring the juvenile to appear before the juvenile
12 court of the county in which such juvenile was taken into custody
13 at a time and place specified in the notice or at the call of the
14 court. The notice shall also contain a concise statement of the
15 reasons such juvenile was taken into custody. The peace officer
16 shall deliver one copy of the notice to such juvenile and require
17 such juvenile or his or her parent, guardian, other custodian, or
18 relative, or both, to sign a written promise that such signer will
19 appear at the time and place designated in the notice. Upon the
20 execution of the promise to appear, the peace officer shall
21 immediately release such juvenile. The peace officer shall, as
22 soon as practicable, file one copy of the notice with the county
23 attorney and, when required by the juvenile court, also file a copy
24 of the notice with the juvenile court or the officer appointed by
25 the court for such purpose;
26 (3) ~~The officer shall deliver the custody of such~~
27 ~~juvenile to the probation officer to determine whether the juvenile~~
1 ~~should be released from custody or placed in secure or nonsecure~~
2 ~~detention as defined in section 43-245. When secure detention of a~~
3 ~~juvenile is necessary, such detention shall occur within a juvenile~~
4 ~~detention facility except:~~ While retaining temporary custody, the
5 peace officer shall communicate all relevant available information
6 regarding such juvenile to the probation officer and shall deliver
7 the juvenile, if necessary, to the probation officer. The
8 probation officer shall determine the need for detention of the
9 juvenile as provided in section 43-260.01. Upon determining that
10 the juvenile should be placed in a secure or nonsecure placement
11 and securing placement in such secure or nonsecure setting by the
12 probation officer, the peace officer shall implement the probation
13 officer's decision to release or to detain and place the juvenile.
14 When secure detention of a juvenile is necessary, such detention
15 shall occur within a juvenile detention facility except:
16 (a) When a juvenile described in subdivision (1) or (2)
17 of section 43-247, except for a status offender, is taken into
18 temporary custody within a metropolitan statistical area and where

19 no juvenile detention facility is reasonably available, the
20 juvenile may be delivered, for temporary custody not to exceed six
21 hours, to a secure area of a jail or other facility intended or
22 used for the detention of adults solely for the purposes of
23 identifying the juvenile and ascertaining his or her health and
24 well-being and for safekeeping while awaiting transport to an
25 appropriate juvenile placement or release to a responsible party;

26 (b) When a juvenile described in subdivision (1) or (2)
27 of section 43-247, except for a status offender, is taken into
1 temporary custody outside of a metropolitan statistical area and
2 where no juvenile detention facility is reasonably available, the
3 juvenile may be delivered, for temporary custody not to exceed
4 twenty-four hours excluding nonjudicial days and while awaiting an
5 initial court appearance, to a secure area of a jail or other
6 facility intended or used for the detention of adults solely for
7 the purposes of identifying the juvenile and ascertaining his or
8 her health and well-being and for safekeeping while awaiting
9 transport to an appropriate juvenile placement or release to a
10 responsible party;

11 (c) Whenever a juvenile is held in a secure area of any
12 jail or other facility intended or used for the detention of
13 adults, there shall be no verbal, visual, or physical contact
14 between the juvenile and any incarcerated adult and there shall be
15 adequate staff to supervise and monitor the juvenile's activities
16 at all times. This subdivision shall not apply to a juvenile
17 charged with a felony as an adult in county or district court if he
18 or she is sixteen years of age or older;

19 (d) If a juvenile is under sixteen years of age or is a
20 juvenile as described in subdivision (3) of section 43-247, he or
21 she shall not be placed within a secure area of a jail or other
22 facility intended or used for the detention of adults;

23 (e) If, within the time limits specified in subdivision
24 (3)(a) or (3)(b) of this section, a felony charge is filed against
25 the juvenile as an adult in county or district court, he or she may
26 be securely held in a jail or other facility intended or used for
27 the detention of adults beyond the specified time limits;

1 (f) A status offender or nonoffender taken into temporary
2 custody shall not be held in a secure area of a jail or other
3 facility intended or used for the detention of adults. A status
4 offender accused of violating a valid court order may be securely
5 detained in a juvenile detention facility longer than twenty-four
6 hours if he or she is afforded a detention hearing before a court
7 within twenty-four hours, excluding nonjudicial days, and if, prior
8 to a dispositional commitment to secure placement, a public agency,
9 other than a court or law enforcement agency, is afforded an
10 opportunity to review the juvenile's behavior and possible
11 alternatives to secure placement and has submitted a written report
12 to the court; and

13 (g) A juvenile described in subdivision (1) or (2) of

14 section 43-247, except for a status offender, may be held in a
15 secure area of a jail or other facility intended or used for the
16 detention of adults for up to six hours before and six hours after
17 any court appearance;

18 (4) When a juvenile is taken into temporary custody
19 pursuant to subdivision (3) ~~or (4)~~ of section 43-248, the peace
20 officer ~~may~~ shall deliver the custody of such juvenile to the
21 Department of Health and Human Services which shall make a
22 temporary placement of the juvenile in the least restrictive
23 environment consistent with the best interests of the juvenile as
24 determined by the department. The department shall supervise such
25 placement and, if necessary, consent to any necessary emergency
26 medical, psychological, or psychiatric treatment for such juvenile.

27 The department shall have no other authority with regard to such
1 temporary custody until or unless there is an order by the court
2 placing the juvenile in the custody of the department. If the
3 peace officer delivers temporary custody of the juvenile pursuant
4 to this subdivision, the officer shall make a full written report
5 to the county attorney within twenty-four hours of taking such
6 juvenile into temporary custody. If a court order of temporary
7 custody is not issued within forty-eight hours of taking the
8 juvenile into custody, the temporary custody by the department
9 shall terminate and the juvenile shall be returned to the custody
10 of his or her parent, guardian, custodian, or relative; or

11 (5) If the peace officer takes the juvenile into
12 temporary custody pursuant to subdivision (4) of section 43-248,
13 the peace officer may place the juvenile at a mental health
14 facility for evaluation and emergency treatment or may deliver the
15 juvenile to the Department of Health and Human Services ~~pursuant to~~
16 as provided in subdivision (4) of this section. At the time of the
17 admission or turning the juvenile over to the department, the peace
18 officer responsible for taking the juvenile into custody shall
19 execute a written certificate as prescribed by the Department of
20 Health and Human Services which will indicate that the peace
21 officer believes the juvenile to be mentally ill and dangerous, a
22 summary of the subject's behavior supporting such allegations, and
23 that the harm described in section 83-1009 is likely to occur
24 before proceedings before a juvenile court may be invoked to obtain
25 custody of the juvenile. A copy of the certificate shall be
26 forwarded to the county attorney. The peace officer shall notify
27 the juvenile's parents, guardian, custodian, or relative of the
1 juvenile's placement.

2 In determining the appropriate temporary placement of a
3 juvenile under this section, the peace officer shall select the
4 placement which is least restrictive of the juvenile's freedom so
5 long as such placement is compatible with the best interests of the
6 juvenile and the safety of the community."

7 2. On page 16, line 21, after "sections" insert
8 "28-101,"; and in line 22 after the first comma insert "43-250,".

9 3. Renumber remaining sections accordingly.

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 759. The Chambers pending amendment, FA1330, found in this day's Journal, to the first Standing Committee amendment, FA1326, found in this day's Journal, was renewed.

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, 18:

Baker	Janssen	Mines	Smith	Thompson
Chambers	Jones	Mossey	Stuhr	Vrtiska
Erdman	Kremer	Quandahl	Stuthman	
Friend	Louden	Redfield	Synowiecki	

Voting in the negative, 19:

Aguilar	Bromm	Cunningham	Pedersen, Dw.	Schrock
Beutler	Brown	Foley	Price	Tyson
Bourne	Byars	Kruse	Raikes	Wehrbein
Brashear	Connealy	Landis	Schimek	

Present and not voting, 7:

Burling	Hartnett	McDonald	Preister
Cudaback	Johnson	Pederson, D.	

Excused and not voting, 5:

Combs	Engel	Hudkins	Jensen	Maxwell

The Chambers amendment lost with 18 ayes, 19 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1331

Amend FA1326

On page 4, strike and show as stricken lines 12-14.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 17:

Chambers	Janssen	Mossey	Smith	Vrtiska
Cudaback	Kremer	Pedersen, Dw.	Stuhr	
Erdman	Louden	Quandahl	Stuthman	
Friend	Mines	Redfield	Thompson	

Voting in the negative, 18:

Aguilar	Byars	Kruse	Price	Tyson
Beutler	Connealy	Landis	Raikes	Wehrbein
Brashear	Foley	McDonald	Schimek	
Bromm	Jones	Pederson, D.	Schrock	

Present and not voting, 8:

Baker	Brown	Cunningham	Preister
Bourne	Burling	Johnson	Synowiecki

Excused and not voting, 6:

Combs	Hartnett	Jensen
Engel	Hudkins	Maxwell

The Chambers amendment lost with 17 ayes, 18 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1332

Amend FA1326

On page 5 in lines 3 and 4 strike and show as stricken "and continuing until October 1, 2004,"

Senator Bourne 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 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Aguilar	Chambers	Janssen	Mossey	Stuthman
Baker	Cudaback	Jones	Raikes	Thompson
Brown	Erdman	Louden	Redfield	Vrtiska
Burling	Friend	McDonald	Smith	

Voting in the negative, 20:

Beutler	Connealy	Kremer	Pedersen, Dw.	Schrock
Brashear	Cunningham	Kruse	Pederson, D.	Synowiecki
Bromm	Foley	Landis	Price	Tyson
Byars	Johnson	Mines	Schimek	Wehrbein

Present and not voting, 4:

Combs	Preister	Quandahl	Stuhr

Excused and not voting, 6:

Bourne	Hartnett	Jensen
Engel	Hudkins	Maxwell

The Chambers amendment lost with 19 ayes, 20 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Senator Thompson offered the following amendment to the first Standing Committee amendment:

AM1448

(Amendments to Standing Committee amendments, FA1326)

- 1 1. On page 3, strike line 15, show as stricken, and
- 2 insert "The"; and in lines 17 and 19 strike "five-sevenths of" and
- 3 show as stricken.

The Thompson amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

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

AM1449

(Amendments to Standing Committee amendments, FA1326)

1 1. Strike section 1 and insert the following new
2 section:
3 "Section 1. Section 77-2602, Revised Statutes
4 Supplement, 2002, 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, sixty-four cents per
12 package; ~~until October 1, 2004, and thirty-four cents per package~~
13 ~~commencing October 1, 2004;~~ and on packages containing more than
14 twenty cigarettes, the same tax as provided on packages containing
15 not more than twenty cigarettes for the first twenty cigarettes in
16 each package and a tax of one-twentieth of the tax on the first
17 twenty cigarettes on each cigarette in excess of twenty cigarettes
18 in each package. ~~Commencing July 1, 1994, and continuing until~~
19 ~~July 1, 2009, the~~ The State Treasurer shall place the equivalent of
20 ~~twenty-one cents of such tax less three million dollars each fiscal~~
21 ~~year of proceeds of such tax in the General Fund. Commencing July~~
22 ~~1, 2009, the State Treasurer shall place the equivalent of~~
23 ~~twenty-one cents of such tax in the General Fund. For purposes of~~
24 ~~this section, the equivalent of a specified number of cents of the~~
25 ~~tax shall mean that portion of the proceeds of the tax equal to the~~
26 ~~specified number divided by the tax rate per package of cigarettes~~
27 ~~containing not more than twenty cigarettes. The State Treasurer~~
28 ~~shall distribute the remaining proceeds of such tax in the~~
29 ~~following order:~~
30 (a) First, beginning July 1, 1980, the State Treasurer
31 shall place the equivalent of one cent of such tax in the Nebraska
32 Outdoor Recreation Development Cash Fund. For fiscal year
33 distributions occurring after FY1998-99, the distribution under
34 this subdivision shall not be less than the amount distributed
35 under this subdivision for FY1997-98. Any money needed to increase
36 the amount distributed under this subdivision to the FY1997-98
37 amount shall reduce the distribution to the General Fund;
38 (b) Second, beginning July 1, 1993, the State Treasurer
39 shall place the equivalent of three cents of such tax in the
40 Department of Health and Human Services Finance and Support Cash
41 Fund to carry out sections 81-637 to 81-640. For fiscal year
42 distributions occurring after FY1998-99, the distribution under
43 this subdivision shall not be less than the amount distributed
44 under this subdivision for FY1997-98. Any money needed to increase
45 the amount distributed under this subdivision to the FY1997-98
46 amount shall reduce the distribution to the General Fund;
47 (c) Third, beginning July 1, 2001, and continuing until
48 October 1, 2002, the State Treasurer shall place the equivalent of
49 five cents of such tax in the Building Renewal Allocation Fund.

27 Beginning October 1, 2002, and continuing until October 1, 2004,
1 the State Treasurer shall place the equivalent of seven cents of
2 such tax in the Building Renewal Allocation Fund. Beginning
3 October 1, 2004, and continuing until all the purposes of the
4 Deferred Building Renewal Act have been fulfilled, the State
5 Treasurer shall place the equivalent of five cents of such tax in
6 the Building Renewal Allocation Fund. The Legislature shall
7 appropriate each fiscal year all sums inuring to the fund, plus
8 interest earnings for the Task Force for Building Renewal to be
9 used to carry out its duties and to fulfill the purposes of the
10 Deferred Building Renewal Act. Unexpended balances existing at the
11 end of each fiscal year shall be, and are hereby, reappropriated.
12 For fiscal year distributions occurring after FY1998-99, the
13 distribution under this subdivision shall not be less than
14 five-sevenths of the amount distributed under this subdivision for
15 FY1997-98. Any money needed to increase the amount distributed
16 under this subdivision to five-sevenths of the FY1997-98 amount
17 shall reduce the distribution to the General Fund;

18 (d) Fourth, until October 1, 2002, and beginning on
19 October 1, 2004, the State Treasurer shall place the difference
20 between the equivalent of thirteen cents of such tax and the sum of
21 the amounts distributed pursuant to subdivisions (a) through (c)
22 and (f) through (h) of this subsection in a special fund to be
23 known as the Nebraska Capital Construction Fund. Beginning October
24 1, 2002, and continuing until October 1, 2004, the State Treasurer
25 shall place the difference between the equivalent of forty-three
26 cents of such tax and the sum of the amounts distributed pursuant
27 to subdivisions (a) through (c) and (f) through (i) of this
1 subsection in the Nebraska Capital Construction Fund;

2 (e) Fifth, beginning July 1, 1994, and continuing until
3 July 1, 2009, the State Treasurer shall place in the Municipal
4 Infrastructure Redevelopment Fund the sum of three million dollars
5 each fiscal year to carry out the Municipal Infrastructure
6 Redevelopment Fund Act. The Legislature shall appropriate the sum
7 of three million dollars each year for fiscal year 1994-95 through
8 fiscal year 2008-09;

9 (f) Sixth, beginning July 1, 2001, the State Treasurer
10 shall place the equivalent of two cents of such tax in the
11 Information Technology Infrastructure Fund;

12 (g) Seventh, beginning July 1, 2001, and continuing until
13 June 30, 2016, the State Treasurer shall place one million dollars
14 each fiscal year in the City of the Primary Class Development Fund.
15 If necessary, the State Treasurer shall reduce the distribution of
16 tax proceeds to the General Fund pursuant to this subsection by
17 such amount required to fulfill the one million dollars to be
18 distributed pursuant to this subdivision;

19 (h) Eighth, beginning July 1, 2001, and continuing until
20 June 30, 2016, the State Treasurer shall place one million five
21 hundred thousand dollars each fiscal year in the City of the

22 Metropolitan Class Development Fund. If necessary, the State
 23 Treasurer shall reduce the distribution of tax proceeds to the
 24 General Fund pursuant to this subsection by such amount required to
 25 fulfill the one million five hundred thousand dollars to be
 26 distributed pursuant to this subdivision; and
 27 (i) Ninth, beginning October 1, 2002, and continuing
 1 until October 1, 2004, the State Treasurer shall place the
 2 equivalent of twenty-eight cents of such tax in the Cash Reserve
 3 Fund.
 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, (h) the
 1 City of the Metropolitan Class Development Fund, and (i) the Cash
 2 Reserve Fund shall not be made a higher priority than or an equal
 3 priority to any of the programs or projects specified in
 4 subdivisions (a) through (i) of this subsection."

SPEAKER BROMM PRESIDING

Senator Schrock asked unanimous consent to be excused. No objections. So ordered.

Senator Jones 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 33 ayes, 0 nays, and 16 not voting.

Senator Mines requested a roll call vote on the Quandahl amendment.

Voting in the affirmative, 19:

Aguilar	Cudaback	Jones	Quandahl	Stuthman
Baker	Erdman	Louden	Redfield	Thompson
Chambers	Friend	Mines	Smith	Vrtiska
Combs	Janssen	Mossey	Stuhr	

Voting in the negative, 22:

Beutler	Byars	Kremer	Pederson, D.	Tyson
Brashear	Connealy	Kruse	Price	Wehrbein
Bromm	Cunningham	Landis	Raikes	
Brown	Foley	McDonald	Schimek	
Burling	Johnson	Pedersen, Dw.	Synowiecki	

Present and not voting, 2:

Maxwell	Preister

Excused and not voting, 6:

Bourne	Hartnett	Jensen
Engel	Hudkins	Schrock

The Quandahl amendment lost with 19 ayes, 22 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Janssen and Vrtiska offered the following amendment to the first Standing Committee amendment:

FA1333

Amend FA1326

On page 4 strike and show as stricken lines 22-27 and page 5 lines 1 and 2.

Senator Price asked unanimous consent to be excused. No objections. So ordered.

The Janssen-Vrtiska amendment lost with 11 ayes, 15 nays, 16 present and not voting, and 7 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendments to LB 303:

AM1431

(Amendments to E & R amendments, AM7100)

- 1 1. On page 17, line 6, after "above" insert "the top
2 of".

AM1436

(Amendments to E & R amendments, AM7100)

- 1 1. On page 17, line 4, strike "glasses" and insert "an
2 eye-protective device of a type approved by the department"; and in
3 line 5 strike "goggles".

AM1434

(Amendments to E & R amendments, AM7100)

- 1 1. On page 16, line 3, strike "subsections (2) and (3)"
2 and insert "subsection (2)"; and strike beginning with "Except" in
3 line 17 through "a" in line 18 and insert "A".
4 2. On page 17 strike beginning with "A" in line 7
5 through "(4)" in line 11.

AM1432

(Amendments to E & R amendments, AM7100)

- 1 1. On page 17, line 21, strike "minimum" and show as
2 stricken.

AM1433

(Amendments to E & R amendments, AM7100)

- 1 1. On page 19, lines 13 and 16, strike "minimum" and
2 show as stricken.

VISITORS

Visitors to the Chamber were 48 fifth- and sixth-grade students and teachers from Kenesaw; 50 fourth-grade students, teachers, and sponsors from Arbor Park Elementary School, Blair; and the Backstrom family from Langsruede, Sweden.

ADJOURNMENT

At 5:04 p.m., on a motion by Senator Thompson, the Legislature adjourned until 9:00 a.m., Wednesday, April 23, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 23, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 23, 2003

PRAYER

The prayer was offered by Pastor Edward Price, All Nations Church of the Lord Jesus Christ, Lincoln, Nebraska.

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 Jensen who was excused; and Senators Byars, Engel, Landis, Quandahl, and Synowiecki who were excused until they arrive.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 197, 267, and 667A.

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 759. The first Standing Committee amendment, FA1326, found on page 1335, as amended, was renewed.

Senator Thompson offered the following amendment to the first Standing Committee amendment:

FA1335

Amend FA1326

On page 1, line 11 strike "sixty-four" and insert "eighty-nine"

On page 1, line 23 and page 2 line 2 strike "forty-nine" and insert "seventy-four"

SPEAKER BROMM PRESIDING

Senator Thompson withdrew her amendment.

Senator Redfield asked unanimous consent to be excused until she returns. 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.

The first Standing Committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 75. Introduced by Johnson, 37.

WHEREAS, Tyler John Jorgensen, of Kearney, Nebraska, earned the Boy Scouts' highest honor and rank of Eagle Scout and will be awarded the Eagle Award on Sunday, May 4, 2003; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, Tyler John Jorgensen fulfilled requirements in the areas of leadership, service, and outdoor skills and passed through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle; and

WHEREAS, Tyler John Jorgensen earned 21 merit badges, 12 in required areas, and completed a community service project approved by the troop and scout council; and

WHEREAS, only two percent of all young men who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Tyler John Jorgensen 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Tyler John Jorgensen on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Kearney.

2. That a copy of this resolution be sent to Tyler John Jorgensen and his family.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 759. The second Standing Committee amendment is as follows:

FA1325

7 Sec. 12. Section 77-2715.02, Revised Statutes

8 Supplement, 2002, is amended to read:

9 77-2715.02. (1) Whenever the primary rate is changed by
10 the Legislature under section 77-2715.01, the Tax Commissioner
11 shall update the rate schedules required in subsection (2) of this
12 section to reflect the new primary rate and shall publish such
13 updated schedules.

14 (2) The following rate schedules are hereby established
15 for the Nebraska individual income tax and shall be in the
16 following form:

17 (a) The income amounts for columns A and E shall be:

18 (i) \$0, \$2,400, \$17,000, and \$26,500, for single returns;

19 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
20 joint returns;

21 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
22 head-of-household returns;

23 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
24 separate returns; and

25 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
26 trusts;

27 (b) The amount in column C shall be the total amount of
1 the tax imposed on income less than the amount in column A;

2 (c) The amount in column D shall be the rate on the
3 income in excess of the amount in column E;

4 (d) For taxable years beginning or deemed to begin before
5 January 1, 2003, ~~and for taxable years beginning or deemed to begin~~
6 ~~on or after January 1, 2004,~~ under the Internal Revenue Code of
7 1986, as amended, the primary rate set by the Legislature shall be
8 multiplied by the following factors to compute the tax rates for
9 column D. The factors for the brackets, from lowest to highest
10 bracket, shall be .6784, .9432, 1.3541, and 1.8054;

11 (e) For taxable years beginning or deemed to begin on or
12 after January 1, 2003, ~~and before January 1, 2004,~~ under the
13 Internal Revenue Code of 1986, as amended, the primary rate set by
14 the Legislature shall be multiplied by the following factors to
15 compute the tax rates for column D. The factors for the brackets,
16 from lowest to highest bracket, shall be .6932, .9646, 1.3846, and
17 1.848;

18 (f) The amounts for column C shall be rounded to the
19 nearest dollar, and the amounts in column D shall be rounded to
20 hundredths of one percent; and

21 (g) One rate schedule shall be established for each
22 federal filing status.

23 (3) The tax rate schedules shall use the format set forth
24 in this subsection.

25	A	B	C	D	E
26	Taxable income	but not	pay	plus	of the
27	over	over			amount over

- 1 (4) The tax rate applied to other federal taxes included
2 in the computation of the Nebraska individual income tax shall be
3 eight times the primary rate.
- 4 (5) The Tax Commissioner shall prepare, from the rate
5 schedules, tax tables which can be used by a majority of the
6 taxpayers to determine their Nebraska tax liability. The design of
7 the tax tables shall be determined by the Tax Commissioner. The
8 size of the tax table brackets may change as the level of income
9 changes. The difference in tax between two tax table brackets
10 shall not exceed fifteen dollars. The Tax Commissioner may build
11 the personal exemption credit and standard deduction amounts into
12 the tax tables.
- 13 (6) The Tax Commissioner may require by rule and
14 regulation that all taxpayers shall use the tax tables if their
15 income is less than the maximum income included in the tax tables.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The second Standing Committee amendment was adopted with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

The third Standing Committee amendment is as follows:
FA1327

- 8 Sec. 2. Section 77-2701, Revised Statutes Supplement,
9 2002, is amended to read:
- 10 77-2701. Sections 77-2701 to 77-27,135.01 and 77-27,222
11 and section 11 of this act shall be known and may be cited as the
12 Nebraska Revenue Act of 1967.
- 13 Sec. 3. Section 77-2702.03, Revised Statutes Supplement,
14 2002, is amended to read:
- 15 77-2702.03. For purposes of sections 77-2702.03 to
16 77-2713 and section 11 of this act, unless the context otherwise
17 requires, the definitions found in sections 77-2702.04 to
18 77-2702.23, 77-2702.25, and 77-2702.26 shall be used.
- 19 Sec. 4. Section 77-2702.05, Reissue Revised Statutes of
20 Nebraska, is amended to read:
- 21 77-2702.05. Contractor or repairperson shall mean any
22 person who performs any repair services upon property annexed to,
23 or who annexes property to, real estate, including leased property,
24 and who, as a necessary and incidental part of performing such
25 services, annexes property belonging to him or her to the real
26 estate being so repaired or annexed. Contractor or repairperson
27 shall not include any person who incorporates live plants into real
1 estate except when such incorporation is incidental to the transfer
2 of an improvement upon real estate or the real estate. The
3 contractor or repairperson not electing to be taxed as a retailer
4 shall be considered to be the consumer of such property furnished

5 by him or her and annexed to the real estate being so repaired or
6 annexed for all the purposes of the Nebraska Revenue Act of 1967.

7 The contractor or repairperson:

8 (1) Shall be permitted to make an election that he or she
9 will be taxed as a retailer in which case he or she shall not be
10 considered the final consumer of property annexed to real estate;
11 ~~except when the transfer of the annexed property is incidental to~~
12 ~~the transfer of an improvement upon real estate or the real estate;~~

13 (2) Shall be permitted to make an election that he or she
14 will be taxed as the consumer of property annexed to real estate,
15 will pay the sales tax or remit the use tax at the time of
16 purchase, and will maintain a tax-paid inventory; or

17 (3) Shall be permitted to make an election that he or she
18 will be taxed as the consumer of property annexed to real estate
19 and may issue a resale certificate when purchasing property that
20 will be annexed to real estate. Such person shall then remit the
21 appropriate use tax on any materials when withdrawn from inventory
22 for the purpose of being annexed to real estate at the rate in
23 effect at the time and place of the withdrawal from inventory.

24 The provisions of this section shall not excuse any
25 person from the obligation to collect sales tax on retail sales of
26 property not annexed to real estate or from the obligation to pay
27 the sales tax or remit the use tax on tools and other materials
1 consumed that are not annexed to real estate.

2 The Department of Revenue shall not prescribe any
3 requirements of Nebraska sales revenue, percentage or otherwise,
4 restricting any person's election. Any change in an election shall
5 require prior approval by the Tax Commissioner.

6 Any change in the election shall, if filed on or prior to
7 the fifteenth of the month, become effective at the beginning of
8 the following month or, if filed after the fifteenth of the month,
9 become effective on the first day of the next succeeding month.

10 Any person who changes his or her election and becomes a contractor
11 or repairperson shall pay the tax on all property in inventory
12 which may be annexed to real estate at the time of making the
13 change in election except when such contractor or repairperson
14 elects to purchase inventory with a resale certificate. Any person
15 who changes his or her election and becomes a retailer shall not be
16 entitled to a refund but shall receive a credit for the tax paid on
17 property in inventory at the time the property is sold. The credit
18 shall be applied against the tax collected on sales of such
19 property.

20 Any contractor or repairperson who has not completed and
21 filed an election as required in this section within three months
22 after beginning to operate as a contractor or repairperson shall be
23 considered a retailer for all periods until an election has been
24 made.

25 Sec. 5. Section 77-2702.07, Revised Statutes Supplement,
26 2002, 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 other than mobile telecommunications service as described in
4 section 77-2706.02, the gross income received from furnishing local
5 exchange telephone service and intrastate message toll telephone
6 service. In the furnishing of mobile telecommunications service as
7 described in section 77-2706.02, the gross income received from
8 furnishing mobile telecommunications service that originates and
9 terminates in the same state to a customer with a place of primary
10 use in Nebraska. Gross receipts shall not mean (i) the gross
11 income, including division of revenue, settlements, or carrier
12 access charges received on or after January 1, 1984, from the sale
13 of a telephone communication service to a communication service
14 provider for purposes of furnishing telephone communication service
15 or (ii) the gross income attributable to services rendered using a
16 prepaid telephone calling arrangement. For purposes of this
17 subdivision, a prepaid telephone calling arrangement shall mean the
18 right to exclusively purchase telecommunications service that are
19 paid for in advance that enables the origination of calls using an
20 access number or authorization code, whether manually or
21 electronically dialed;

22 (b) In the furnishing of telegraph service, the gross
23 income received from the furnishing of intrastate telegraph
24 services;

25 (c) In the furnishing of gas, electricity, sewer, and
26 water service except water used for irrigation of agricultural
27 lands and manufacturing purposes, the gross income received from
1 the furnishing of such services upon billings or statements

2 rendered to consumers for such utility services; and

3 (d) In the furnishing of community antenna television
4 service, the gross income received from the furnishing of such
5 community antenna television service as regulated under sections
6 18-2201 to 18-2205 or 23-383 to 23-388.

7 Gross receipts shall also mean gross income received from
8 the provision, installation, construction, servicing, or removal of
9 property used in conjunction with the furnishing, installing, or
10 connecting of any public utility services specified in subdivision
11 (2)(a) or (b) of this section or community antenna television
12 service specified in subdivision (2)(d) of this section. Gross
13 receipts shall not mean gross income received from telephone
14 directory advertising.

15 (3) Gross receipts of every person engaged in selling,
16 leasing, or otherwise providing intellectual or entertainment
17 property shall mean:

18 (a) In the furnishing of computer software, the gross
19 income received, including the charges for coding, punching, or
20 otherwise producing computer software and the charges for the
21 tapes, disks, punched cards, or other properties furnished by the
22 seller; and

23 (b) In the furnishing of videotapes, movie film,
24 satellite programming, satellite programming service, and satellite
25 television signal descrambling or decoding devices, the gross
26 income received from the license, franchise, or other method
27 establishing the charge except the gross income received from
1 videotape and film rentals, satellite programming, and satellite
2 programming service when the sales tax or the admission tax is
3 charged under the Nebraska Revenue Act of 1967 and except as
4 provided in section 77-2704.39.

5 (4) ~~Commencing October 1, 2002, gross~~ Gross receipts for
6 providing a service shall mean:

7 (a) The gross income received for building cleaning and
8 maintenance, pest control, and security;

9 (b) The gross income received for motor vehicle washing,
10 waxing, towing, and painting;

11 (c) The gross income received for computer software
12 training; ~~and~~

13 (d) The gross income received for installing and applying
14 tangible personal property if the sale of the property is subject
15 to tax;

16 (e) The gross income received for construction, repair,

17 or annexation labor of a contractor except as provided in section
18 11 of this act;

19 (f) The gross income received for services of camps and
20 recreational vehicle parks;

21 (g) The gross income received for repair labor to
22 personal property, including motor vehicles, except as otherwise
23 provided in subdivision (2)(f) of section 77-2702.13 or section
24 77-2704.26;

25 (h) The gross income received for animal specialty
26 services except veterinary services; and

27 (i) The gross income received for detective services.

1 (5) Gross receipts shall not include any of the
2 following:

3 (a) Cash discounts allowed and taken on sales;

4 (b) The amount of any rebate granted by a motor vehicle
5 or motorboat manufacturer or dealer at the time of sale of the
6 motor vehicle or motorboat, which rebate functions as a discount
7 from the sales price of the motor vehicle or motorboat;

8 (c) Sales price of property or services returned or
9 rejected by customers when the full sales price is refunded either
10 in cash or credit;

11 (d) The amount charged for finance charges, carrying
12 charges, service charges, or interest from credit extended on sales
13 of property or services under contracts providing for deferred
14 payments of the purchase price if such charges are not used as a
15 means of avoiding imposition of the tax upon the actual sales price
16 of the property or services;

17 (e) The value of property taken by a seller in trade as
18 all or a part of the consideration for a sale of property of any
19 kind or nature;

20 (f) The value of a motor vehicle or motorboat taken by
21 any person in trade as all or a part of the consideration for a
22 sale of another motor vehicle or motorboat;

23 (g) Receipts from conditional sale contracts, installment
24 sale contracts, rentals, and leases executed in writing prior to
25 June 1, 1967, and with delivery of the property prior to June 1,
26 1967, if such conditional sale contracts, installment sale
27 contracts, rentals, or leases are for a fixed price and are not

1 subject to negotiation or alteration; or

2 (h) Except as provided in subsection (2) of this section,
3 until October 1, 2002, the amount charged for labor or services
4 rendered in installing or applying the property sold if such amount
5 is separately stated and such separate statement is not used as a
6 means of avoiding imposition of the tax upon the actual sales price
7 of the property.

8 Sec. 6. Section 77-2702.13, Revised Statutes Supplement,
9 2002, is amended to read:

10 77-2702.13. (1) Retail sale or sale at retail shall
11 mean:

- 12 (a) A sale of property for any purpose other than for
13 resale in the regular course of business;
- 14 (b) A sale of property to an advertising agency which
15 purchases the property as an agent for a disclosed or undisclosed
16 principal. The advertising agency is and remains liable for the
17 sales and use tax on the purchase the same as if the principal had
18 made the purchase directly;
- 19 (c) The delivery in this state of property and any
20 associated labor by an owner or former owner thereof or by a factor
21 or agent of such owner, former owner, or factor, if the delivery is
22 to a customer or person for redelivery to a consumer, pursuant to a
23 retail sale made by a retailer not engaged in business in this
24 state. The person making the delivery in such cases shall include
25 the delivery person's selling price of the property in his or her
26 gross receipts;
- 27 (d) The sale of admissions which shall mean the right or
1 privilege to have access to or to use a place or location. When an
2 admission to an activity is combined with the solicitation of a
3 contribution, the portion or the amount charged representing the
4 fair market price of the admission shall be considered a retail
5 sale subject to the tax imposed by section 77-2703. The
6 organization conducting the activity shall determine the amount
7 properly attributable to the purchase of the privilege, benefit, or
8 other consideration in advance, and such amount shall be clearly
9 indicated on any ticket, receipt, or other evidence issued in
10 connection with the payment. Admissions shall not include (i) fees
11 charged by elementary or secondary schools, public or private, (ii)
12 fees charged by school districts, student organizations, or
13 parent-teacher associations pursuant to an agreement with the
14 proper school authorities in an elementary or secondary school,
15 public or private, during the regular school day or at an approved
16 function of any such school, or (iii) fees charged by ballot
17 question committees, candidate committees, independent committees,
18 and political party committees as defined in the Nebraska Political
19 Accountability and Disclosure Act;
- 20 (e) A sale of live plants incorporated into real estate
21 except when such incorporation is incidental to the transfer of an
22 improvement upon real estate or the real estate;
- 23 (f) A sale of any property annexed to real estate and any
24 associated labor by a person electing to be taxed as a retailer
25 pursuant to subdivision (1) of section 77-2702.05; ~~except when such~~
26 ~~annexation is incidental to the transfer of an improvement upon~~
27 ~~real estate or the real estate;~~
- 1 (g) The sale of prepaid telephone calling arrangements
2 and the recharge of prepaid telephone calling arrangements. If the
3 sale or recharge of a prepaid telephone calling arrangement does
4 not take place at the vendor's place of business, the sale or
5 recharge shall be conclusively determined to take place at the
6 customer's shipping address or, if there is no item shipped, at the

7 customer's billing address. For purposes of this subdivision, a
8 prepaid telephone calling arrangement shall mean the right to
9 exclusively purchase telecommunications services that are paid for
10 in advance that enables the origination of calls using an access
11 number or authorization code, whether manually or electronically
12 dialed; and

13 (h) Providing a service defined in subsection (4) of
14 section 77-2702.07.

15 (2) Retail sale or sale at retail shall not mean:

16 (a) The sale of:

17 (i) Property which will enter into and become an
18 ingredient or component part of property manufactured, processed,
19 or fabricated for ultimate sale at retail; or

20 (ii) A service listed in subsection (4) of section
21 77-2702.07 which will become an ingredient or component part of a
22 service listed in subsection (4) of section 77-2702.07 for ultimate
23 sale at retail;

24 (b) The sale of:

25 (i) Any form of animal life of a kind the products of
26 which ordinarily constitute food for human consumption. Animal
27 life shall include live poultry or livestock on the hoof when sales
1 are made by the grower, producer, feeder, or any person engaged in
2 the business of bartering, buying, or selling live poultry or
3 livestock on the hoof;

4 (ii) Seeds and annual plants, the products of which
5 ordinarily constitute food for human consumption and which seeds
6 and annual plants are sold to commercial producers of such
7 products, and seed legumes, seed grasses, and seed grains when sold
8 to be used exclusively for agricultural purposes;

9 (iii) Agricultural chemicals, adjuvants, surfactants,
10 bonding agents, clays, oils, and any other additives or
11 compatibility agents for use in commercial agriculture and applied
12 to land or crops and sold in any tax period that has not been
13 closed by the applicable statute of limitations. Agricultural
14 chemicals shall not mean chemicals, adjuvants, surfactants, bonding
15 agents, clays, oils, and any other additives or compatibility
16 agents applied to harvested grains stored in commercial elevators;
17 or

18 (iv) Oxygen for use in aquaculture as defined in section
19 2-3804.01;

20 (c) The sale of:

21 (i) Nonreturnable containers when sold without contents
22 to persons who place contents in the container and sell the
23 contents together with the container;

24 (ii) Containers when sold with contents if the sales
25 price of the contents is not required to be included in the measure
26 of the taxes imposed by the Nebraska Revenue Act of 1967; and

27 (iii) Returnable containers when sold with contents in
1 connection with a retail sale of the contents or when resold for

2 refilling.

3 The term returnable containers shall mean containers of a
4 kind customarily returned by the buyer of the contents for reuse.

5 All other containers are nonreturnable containers;

6 (d) The sale of property or services the transfer of
7 which to the consumer constitutes an occasional sale or the
8 transfer of which to the consumer is made by way of an occasional
9 sale;

10 (e) The sale of property or services the sale, purchase,
11 or use of which has been taxed to that taxpayer in another state,
12 territory, or possession of the United States of America when such
13 other state, territory, or possession grants a reciprocal exclusion
14 or an exemption to similar transactions in this state;

15 (f) The purchase in this state or the purchase outside
16 this state, with title passing in this state, of materials and
17 replacement parts and any associated labor used as or used directly
18 in the repair and maintenance or manufacture of railroad rolling
19 stock, whether owned by a railroad or by any person, whether a
20 common or contract carrier or otherwise, motor vehicles,
21 watercraft, or aircraft engaged as common or contract carriers or
22 the purchase in such manner of motor vehicles, watercraft, or
23 aircraft to be used as common or contract carriers. All purchasers
24 seeking to take advantage of the exemption shall apply to the Tax
25 Commissioner for a common or contract carrier exemption. All
26 common or contract carrier exemption certificates shall expire on
27 October 31, 1986, and on October 31 every three years thereafter.

1 All persons seeking to continue to take advantage of the common or
2 contract carrier exemption shall apply for a new certificate at the
3 expiration of the prior certificate. The Tax Commissioner shall
4 notify such exemption certificate holders at least sixty days prior
5 to the expiration date of such certificate that their certificate
6 will expire and be null and void as of such date;

7 (g) The sale of railroad rolling stock whether purchased
8 by a railroad or by any other person; or

9 (h) The sale of property annexed to real estate, ~~and any~~
10 ~~associated labor.~~

11 Sec. 7. Section 77-2702.17, Revised Statutes Supplement,
12 2002, is amended to read:

13 77-2702.17. (1) Sales price shall mean the total amount
14 for which property is sold valued in money whether paid in money or
15 otherwise, without any deduction on account of:

16 (a) The cost of the property sold;

17 (b) The cost of material used, labor or service cost,
18 interest paid, losses, or any other expenses;

19 (c) The cost of transportation of the property. The
20 total amount for which property is sold shall include any services
21 which are a part of the sale and any amount for which credit is
22 given to the purchaser by the seller;

23 (d) The cost of computer software contained on the

24 property; or

25 (e) The cost of any license, franchise, or lease for the
26 use of computer software or entertainment properties such as
27 videotapes or movie films.

1 (2) Sales price shall not mean any of the following:

2 (a) Cash discounts allowed and taken on sales;

3 (b) The amount of any rebate granted by a motor vehicle
4 or motorboat manufacturer or dealer at the time of sale of the
5 motor vehicle or motorboat, which rebate functions as a discount
6 from the sales price of the motor vehicle or motorboat;

7 (c) The amount refunded for property or services returned
8 or rejected by customers when all or part of the amount charged
9 therefor is refunded either in cash or credit;

10 (d) The amount charged for finance charges, carrying
11 charges, service charges, or interest from credit extended on sales
12 of property or services under contracts providing for deferred
13 payments of the purchase price if such charges are not used as a
14 means of avoiding imposition of the tax upon the actual sales price
15 of the property or services;

16 (e) The value of property taken by a seller in trade as
17 all or a part of the consideration for a sale of property of any
18 kind or nature;

19 (f) The value of a motor vehicle or motorboat taken by
20 any person in trade as all or part of the consideration for a sale
21 of another motor vehicle or motorboat; or

22 ~~(g) The amount charged for labor or services rendered in
23 annexing property to real estate; or~~

24 ~~(h)~~ Until October 1, 2002, the amount charged for labor
25 or services rendered in installing or applying the property sold if
26 such amount is separately stated and such separate statement is not
27 used as a means of avoiding imposition of the tax upon the actual
1 sales price of the property.

2 Sec. 8. Section 77-2703, Revised Statutes Supplement,
3 2002, is amended to read:

4 77-2703. (1) There is hereby imposed a tax at the rate
5 provided in section 77-2701.02 upon the gross receipts from all
6 sales of tangible personal property sold at retail in this state,
7 the gross receipts of every person engaged as a public utility, as
8 a community antenna television service operator or any person
9 involved in the connecting and installing of the services defined
10 in subdivision (2)(a), (b), or (d) of section 77-2702.07, or as a
11 retailer of intellectual or entertainment properties referred to in
12 subsection (3) of section 77-2702.07, the gross receipts from the
13 sale of admissions in this state, the gross receipts from the sale
14 of warranties, guarantees, service agreements, or maintenance
15 agreements when the items covered are subject to tax under this
16 section, and the gross receipts from the provision of services
17 defined in subsection (4) of section 77-2702.07. For purposes of
18 this subsection, the provision of services shall be deemed to be in

19 this state for services provided to real estate if the real estate
20 is located in this state, for services provided to personal
21 property or animals if the personal property or animal is located
22 in this state and the service is rendered for use in this state,
23 and for computer software training and detective services under
24 ~~subdivision~~ subdivisions (4)(c) and (4)(i) of section 77-2702.07 if
25 the training ~~is~~ or detective services are performed at a location
26 that is within this state for a customer located within this state.
27 When there is a sale, the tax shall be imposed at the rate in
1 effect at the time the gross receipts are realized under the
2 accounting basis used by the retailer to maintain his or her books
3 and records.

4 (a) The tax imposed by this section shall be collected by
5 the retailer from the consumer. It shall constitute a part of the
6 purchase price and until collected shall be a debt from the
7 consumer to the retailer and shall be recoverable at law in the
8 same manner as other debts. The tax required to be collected by
9 the retailer from the consumer constitutes a debt owed by the
10 retailer to this state.

11 (b) It is unlawful for any retailer to advertise, hold
12 out, or state to the public or to any customer, directly or
13 indirectly, that the tax or part thereof will be assumed or
14 absorbed by the retailer, that it will not be added to the selling,
15 renting, or leasing price of the property sold, rented, or leased,
16 or that, if added, it or any part thereof will be refunded. The
17 provisions of this subdivision shall not apply to a public utility.

18 (c) The tax required to be collected by the retailer from
19 the purchaser, unless otherwise provided by statute or by rule and
20 regulation of the Tax Commissioner, shall be displayed separately
21 from the list price, the price advertised in the premises, the
22 marked price, or other price on the sales check or other proof of
23 sales, rentals, or leases.

24 (d) For the purpose of more efficiently securing the
25 payment, collection, and accounting for the sales tax and for the
26 convenience of the retailer in collecting the sales tax, it shall
27 be the duty of the Tax Commissioner to adopt and promulgate
1 appropriate rules and regulations prescribing a schedule or
2 schedules of the amounts to be collected from the consumer or user
3 to effectuate the computation and collection of the tax imposed by
4 the Nebraska Revenue Act of 1967. Such schedule or schedules shall
5 provide that the tax shall be collected from the consumer or user
6 uniformly on sales according to brackets based on sales prices of
7 the item or items, except that the Tax Commissioner may authorize
8 computation and collection of the tax uniformly on a straight
9 percentage basis in lieu of brackets in situations involving
10 machine or computer billing.

11 (e) The use of tokens or stamps for the purpose of
12 collecting or enforcing the collection of the taxes imposed in the
13 Nebraska Revenue Act of 1967 or for any other purpose in connection

14 with such taxes is prohibited.

15 (f) For the purpose of the proper administration of the
16 provisions of the Nebraska Revenue Act of 1967 and to prevent
17 evasion of the retail sales tax, it shall be presumed that all
18 gross receipts are subject to the tax until the contrary is
19 established. The burden of proving that a sale of property is not
20 a sale at retail is upon the person who makes the sale unless he or
21 she takes, in good faith, from the purchaser (i) a resale
22 certificate to the effect that the property is purchased for the
23 purpose of reselling, leasing, or renting it, (ii) an exemption
24 certificate pursuant to subsection (7) of section 77-2705, or (iii)
25 a direct payment permit pursuant to sections 77-2705.01 to
26 77-2705.03. Receipt of a resale certificate, exemption
27 certificate, or direct payment permit, taken in good faith, shall
1 be conclusive proof for the seller that the sale was made for
2 resale or was exempt or that the tax will be paid directly to the
3 state.

4 (g) In the rental or lease of automobiles, trucks,
5 trailers, semitrailers, and truck-tractors as defined in section
6 60-301, the tax shall be collected by the lessor on the rental or
7 lease price, except as otherwise provided within this section:

8 (i) From all vehicles registered for operation upon the
9 highways of this state which are rented or leased for periods of
10 one year or more; or

11 (ii) From all vehicles delivered by the lessor within
12 this state which are rented or leased for periods of less than one
13 year.

14 (h) In the rental or lease of automobiles, trucks,
15 trailers, semitrailers, and truck-tractors as defined in section
16 60-301, for periods of one year or more, the lessor may elect not
17 to collect and remit the sales tax on the gross receipts and
18 instead pay a sales tax on the cost of such vehicle. If such
19 election is made, it shall be made pursuant to the following
20 conditions:

21 (i) Notice of the desire to make such election shall be
22 filed with the Tax Commissioner and shall not become effective
23 until the Tax Commissioner is satisfied that the taxpayer has
24 complied with all conditions of this subsection and all rules and
25 regulations of the Tax Commissioner;

26 (ii) Such election when made shall continue in force and
27 effect for a period of not less than two years and thereafter until
1 such time as the lessor elects to terminate the election;

2 (iii) When such election is made, it shall apply to all
3 vehicles of the lessor rented or leased for periods of one year or
4 more except vehicles to be leased to common or contract carriers
5 who provide to the lessor a valid common or contract carrier
6 exemption certificate. If the lessor rents or leases other
7 vehicles for periods of less than one year, such lessor shall
8 maintain his or her books and records and his or her accounting

9 procedure as the Tax Commissioner prescribes; and
10 (iv) The Tax Commissioner by rule and regulation shall
11 prescribe the contents and form of the notice of election, a
12 procedure for the determination of the tax base of vehicles which
13 are under an existing lease at the time such election becomes
14 effective, the method and manner for terminating such election, and
15 such other rules and regulations as may be necessary for the proper
16 administration of this subdivision.

17 (i) The tax imposed by this section on the sales of motor
18 vehicles, trailers, and semitrailers as defined in section 60-301
19 shall be the liability of the purchaser and, with the exception of
20 motor vehicles, trailers, and semitrailers registered pursuant to
21 section 60-305.09, the tax shall be collected by the county
22 treasurer or designated county official as provided in section
23 60-302 at the time the purchaser makes application for the
24 registration of the motor vehicle, trailer, or semitrailer for
25 operation upon the highways of this state. The tax imposed by this
26 section on motor vehicles, trailers, and semitrailers registered
27 pursuant to section 60-305.09 shall be collected by the Department
1 of Motor Vehicles at the time the purchaser makes application for
2 the registration of the motor vehicle, trailer, or semitrailer for
3 operation upon the highways of this state. At the time of the sale
4 of any motor vehicle, trailer, or semitrailer, the seller shall (i)
5 state on the sales invoice the dollar amount of the tax imposed
6 under this section and (ii) furnish to the purchaser a certified
7 statement of the transaction, in such form as the Tax Commissioner
8 prescribes, setting forth as a minimum the total sales price, the
9 allowance for any trade-in, and the difference between the two.
10 The sales tax due shall be computed on the difference between the
11 total sales price and the allowance for any trade-in as disclosed
12 by such certified statement. Any seller who willfully understates
13 the amount upon which the sales tax is due shall be subject to a
14 penalty of one thousand dollars. A copy of such certified
15 statement shall also be furnished to the Tax Commissioner. Any
16 seller who fails or refuses to furnish such certified statement
17 shall be guilty of a misdemeanor and shall, upon conviction
18 thereof, be punished by a fine of not less than twenty-five dollars
19 nor more than one hundred dollars. If the seller fails to state on
20 the sales invoice the dollar amount of the tax due, the purchaser
21 shall have the right and authority to rescind any agreement for
22 purchase and to declare the purchase null and void. If the
23 purchaser retains such motor vehicle, trailer, or semitrailer in
24 this state and does not register it for operation on the highways
25 of this state within thirty days of the purchase thereof, the tax
26 imposed by this section shall immediately thereafter be paid by the
27 purchaser to the county treasurer, the designated county official,
1 or the Department of Motor Vehicles. If the tax is not paid on or
2 before the thirtieth day after its purchase, the county treasurer,
3 designated county official, or Department of Motor Vehicles shall

4 also collect from the purchaser interest from the thirtieth day
5 through the date of payment and sales tax penalties as provided in
6 the Nebraska Revenue Act of 1967. The county treasurer, designated
7 county official, or Department of Motor Vehicles shall report and
8 remit the tax so collected to the Tax Commissioner by the fifteenth
9 day of the following month. The county treasurer or designated
10 county official shall deduct and withhold for the use of the county
11 general fund, from all amounts required to be collected under this
12 subsection, the collection fee permitted to be deducted by any
13 retailer collecting the sales tax. The Department of Motor
14 Vehicles shall deduct, withhold, and deposit in the Motor Carrier
15 Division Cash Fund the collection fee permitted to be deducted by
16 any retailer collecting the sales tax. The collection fee shall be
17 forfeited if the county treasurer, designated county official, or
18 Department of Motor Vehicles violates any rule or regulation
19 pertaining to the collection of the use tax.

20 (j)(i) The tax imposed by this section on the sale of a
21 motorboat as defined in section 37-1204 shall be the liability of
22 the purchaser. The tax shall be collected by the county treasurer
23 or designated county official at the time the purchaser makes
24 application for the registration of the motorboat. At the time of
25 the sale of a motorboat, the seller shall (A) state on the sales
26 invoice the dollar amount of the tax imposed under this section and
27 (B) furnish to the purchaser a certified statement of the

1 transaction, in such form as the Tax Commissioner prescribes,
2 setting forth as a minimum the total sales price, the allowance for
3 any trade-in, and the difference between the two. The sales tax
4 due shall be computed on the difference between the total sales
5 price and the allowance for any trade-in as disclosed by such
6 certified statement. Any seller who willfully understates the
7 amount upon which the sales tax is due shall be subject to a
8 penalty of one thousand dollars. A copy of such certified
9 statement shall also be furnished to the Tax Commissioner. Any
10 seller who fails or refuses to furnish such certified statement
11 shall be guilty of a misdemeanor and shall, upon conviction
12 thereof, be punished by a fine of not less than twenty-five dollars
13 nor more than one hundred dollars. If the seller fails to state on
14 the sales invoice the dollar amount of the tax due, the purchaser
15 shall have the right and authority to rescind any agreement for
16 purchase and to declare the purchase null and void. If the
17 purchaser retains such motorboat in this state and does not
18 register it within thirty days of the purchase thereof, the tax
19 imposed by this section shall immediately thereafter be paid by the
20 purchaser to the county treasurer or designated county official.
21 If the tax is not paid on or before the thirtieth day after its
22 purchase, the county treasurer or designated county official shall
23 also collect from the purchaser interest from the thirtieth day
24 through the date of payment and sales tax penalties as provided in
25 the Nebraska Revenue Act of 1967. The county treasurer or

26 designated county official shall report and remit the tax so
27 collected to the Tax Commissioner by the fifteenth day of the
1 following month. The county treasurer or designated county
2 official shall deduct and withhold for the use of the county
3 general fund, from all amounts required to be collected under this
4 subsection, the collection fee permitted to be deducted by any
5 retailer collecting the sales tax. The collection fee shall be
6 forfeited if the county treasurer or designated county official
7 violates any rule or regulation pertaining to the collection of the
8 use tax.

9 (ii) In the rental or lease of motorboats, the tax shall
10 be collected by the lessor on the rental or lease price, except as
11 otherwise provided within this section:

12 (A) From all motorboats registered for operation within
13 this state which are rented or leased for periods of one year or
14 more; or

15 (B) From all motorboats delivered by the lessor within
16 this state which are rented or leased for periods of less than one
17 year.

18 (iii) Subdivisions (1)(j)(i) and (ii) of this section
19 become operative January 1, 1997.

20 (k) The Tax Commissioner shall adopt and promulgate
21 necessary rules and regulations for determining the amount subject
22 to the taxes imposed by this section so as to insure that the full
23 amount of any applicable tax is paid in cases in which a sale is
24 made of which a part is subject to the taxes imposed by this
25 section and a part of which is not so subject and a separate
26 accounting is not practical or economical.

27 (2) A use tax is hereby imposed on the storage, use, or
1 other consumption in this state of property purchased, leased, or
2 rented from any retailer and on any transaction the gross receipts
3 of which are subject to tax under subsection (1) of this section on
4 or after June 1, 1967, for storage, use, or other consumption in
5 this state at the rate set as provided in subsection (1) of this
6 section on the sales price of the property or, in the case of
7 leases or rentals, of the lease or rental prices.

8 (a) Every person storing, using, or otherwise consuming
9 in this state property purchased from a retailer or leased or
10 rented from another person for such purpose shall be liable for the
11 use tax at the rate in effect when his or her liability for the use
12 tax becomes certain under the accounting basis used to maintain his
13 or her books and records. His or her liability shall not be
14 extinguished until the use tax has been paid to this state, except
15 that a receipt from a retailer engaged in business in this state or
16 from a retailer who is authorized by the Tax Commissioner, under
17 such rules and regulations as he or she may prescribe, to collect
18 the sales tax and who is, for the purposes of the Nebraska Revenue
19 Act of 1967 relating to the sales tax, regarded as a retailer
20 engaged in business in this state, which receipt is given to the

21 purchaser pursuant to subdivision (b) of this subsection, shall be
22 sufficient to relieve the purchaser from further liability for the
23 tax to which the receipt refers.

24 (b) Every retailer engaged in business in this state and
25 selling, leasing, or renting property for storage, use, or other
26 consumption in this state shall, at the time of making any sale,
27 collect any tax which may be due from the purchaser and shall give
1 to the purchaser, upon request, a receipt therefor in the manner
2 and form prescribed by the Tax Commissioner.

3 (c) The Tax Commissioner, in order to facilitate the
4 proper administration of the use tax, may designate such person or
5 persons as he or she may deem necessary to be use tax collectors
6 and delegate to such persons such authority as is necessary to
7 collect any use tax which is due and payable to the State of
8 Nebraska. The Tax Commissioner may require of all persons so
9 designated a surety bond in favor of the State of Nebraska to
10 insure against any misappropriation of state funds so collected.
11 The Tax Commissioner may require any tax official, city, county, or
12 state, to collect the use tax on behalf of the state. All persons
13 designated to or required to collect the use tax shall account for
14 such collections in the manner prescribed by the Tax Commissioner.
15 Nothing in this subdivision shall be so construed as to prevent the
16 Tax Commissioner or his or her employees from collecting any use
17 taxes due and payable to the State of Nebraska.

18 (d) All persons designated to collect the use tax and all
19 persons required to collect the use tax shall forward the total of
20 such collections to the Tax Commissioner at such time and in such
21 manner as the Tax Commissioner may prescribe. For all use taxes
22 collected prior to October 1, 2002, such collectors of the use tax
23 shall deduct and withhold from the amount of taxes collected two
24 and one-half percent of the first three thousand dollars remitted
25 each month and one-half of one percent of all amounts in excess of
26 three thousand dollars remitted each month as reimbursement for the
27 cost of collecting the tax. For use taxes collected on and after
1 October 1, 2002, such collectors of the use tax shall deduct and
2 withhold from the amount of taxes collected two and one-half
3 percent of the first three thousand dollars remitted each month as
4 reimbursement for the cost of collecting the tax. Any such
5 deduction shall be forfeited to the State of Nebraska if such
6 collector violates any rule, regulation, or directive of the Tax
7 Commissioner.

8 (e) For the purpose of the proper administration of the
9 Nebraska Revenue Act of 1967 and to prevent evasion of the use tax,
10 it shall be presumed that property sold, leased, or rented by any
11 person for delivery in this state is sold, leased, or rented for
12 storage, use, or other consumption in this state until the contrary
13 is established. The burden of proving the contrary is upon the
14 person who purchases, leases, or rents the property.

15 (f) It shall be further presumed, in the absence of

16 evidence to the contrary, that property shipped or brought to this
17 state by the purchaser after June 1, 1967, was purchased from a
18 retailer on or after that date for storage, use, or other
19 consumption in this state.

20 (g)(i) Except as provided in subdivisions (g)(ii) through
21 (g)(v) of this subsection, when a person purchases property in
22 another state, the Commonwealth of Puerto Rico, any territory or
23 possession of the United States, or any foreign country with the
24 intent of using such property in such other state, commonwealth,
25 territory, possession, or country and such property is actually
26 used in the other state, commonwealth, territory, possession, or
27 country for its intended purpose, the property shall not be subject
1 to tax in this state.

2 (ii) Subdivision (g)(i) of this subsection shall only
3 apply to a motor vehicle, trailer, or semitrailer as defined in
4 section 60-301 when it is licensed for operation on the highways of
5 the other state, commonwealth, territory, possession, or country
6 prior to being brought into this state. Licensed for operation on
7 the highways does not include any temporary registration,
8 licensing, or in transit procedure that allows nonresidents to
9 operate the motor vehicle, trailer, or semitrailer on the highways
10 of the other state, commonwealth, territory, possession, or country
11 for a limited time with the intent to remove the motor vehicle from
12 the other state, commonwealth, territory, possession, or country.

13 (iii) Subdivision (g)(i) of this subsection shall not
14 apply to an aircraft which is brought into this state within one
15 year of purchase and (A) is regularly based within this state or
16 (B) more than one-half of the aircraft's operating hours are within
17 this state.

18 For purposes of subdivision (g)(iii) of this subsection,
19 operation of the aircraft for the purpose of maintenance, repair,
20 or fabrication with subsequent removal from this state upon
21 completion of such maintenance, repair, or fabrication shall not be
22 considered operating hours.

23 (iv)(A) Subdivision (g)(i) of this subsection shall only
24 apply to a motorboat as defined in section 37-1204 when it is
25 registered for operation in the other state, commonwealth,
26 territory, possession, or country prior to being brought into this
27 state.

1 (B) Subdivision (g)(iv)(A) of this subsection becomes
2 operative January 1, 1997.

3 (v) Subdivision (g)(i) of this subsection shall not apply
4 to any property that is manufactured, processed, or fabricated in
5 another state and that is not used for its intended purpose in the
6 other state after its manufacture, processing, or fabrication.

7 Sec. 9. Section 77-2704.07, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-2704.07. Sales and use taxes shall not be imposed on
10 the gross receipts from the sale, lease, or rental of and the

11 storage, use, or other consumption in this state of ~~(1) any~~
12 newspaper regularly issued at average intervals not exceeding one
13 week if such newspaper contains matters of general interest and
14 reports of current events, ~~or (2) any newspaper advertising~~
15 ~~supplement distributed with any newspaper regardless of whether or~~
16 ~~not the retailer takes possession of the supplement from the~~
17 ~~printer before delivery of the supplement is made to the newspaper.~~

18 Sec. 10. Section 77-2704.24, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 77-2704.24. Sales and use taxes shall not be imposed on
21 the gross receipts from the sale, lease, or rental of and the
22 storage, use, or other consumption in this state of food or food
23 products for human consumption which are eligible for purchase by
24 electronic benefits transfer authorized by or with food coupons
25 issued by the United States Department of Agriculture pursuant to
26 regulations in effect on October 1, 1983, regardless of whether the
27 retailer from which the foods are purchased is participating in the

1 food stamp program. For purposes of this section:

2 (1) Candy means a preparation of sugar, honey, or other
3 natural or artificial sweeteners in combination with chocolate,
4 fruits, nuts, or other ingredients or flavorings in the form of
5 bars, drops, or pieces that requires no refrigeration. Candy does
6 not include any preparation containing flour;

7 (2) Food does ; food shall not include (a) meals or other
8 food prepared for immediate consumption on or off the premises of
9 the retailer, (b) and shall not include foods sold through vending
10 machines, (c) candy, or (d) soft drinks; and

11 (3) Soft drinks means nonalcoholic beverages that contain
12 natural or artificial sweeteners. Soft drinks does not include
13 beverages that contain:

14 (a) Milk or milk products;

15 (b) Soy, rice, or similar milk substitutes; or

16 (c) Greater than fifty percent of vegetable or fruit
17 juice by volume.

18 Sec. 11. (1) Sales and use tax shall not be imposed on
19 construction, repair, or annexation labor performed in connection
20 with the original construction of a new building or the addition to
21 or rehabilitation of an existing building that is expected to
22 increase the market value of the existing building by at least one
23 hundred percent.

24 (2) The exemption granted in this section shall be
25 conditioned upon filing requirements for the exemption as imposed
26 by the Tax Commissioner. The requirements imposed by the Tax
27 Commissioner shall be related to ensuring that the labor purchased
1 qualifies for the exemption. Any information received pursuant to
2 the requirements of this section may be disclosed to any tax
3 official in this state. Any taxpayer who provides false
4 information on the forms required by the Tax Commissioner for
5 purposes of this section shall be subject to the penalties provided

6 in subsection (8) of section 77-2705.

12 Sec. 14. This act becomes operative on October 1, 2003.

SENATOR CUDABACK PRESIDING

Senator Landis offered the following amendment to the third Standing Committee amendment:

AM1429

(Amendments to Standing Committee amendments, AM1142)

1 1. Insert the following new sections:

2 "Sec. 10. Section 77-2704.23, Reissue Revised Statutes

3 of Nebraska, is amended to read:

4 77-2704.23. Sales and use taxes shall not be imposed on
5 the gross receipts from the sale, lease, or rental of and the
6 storage, use, or other consumption in this state of sales and
7 purchases of semen and insemination services for use in ranching or
8 farming or for commercial or industrial uses.

9 Sec. 13. Section 77-2704.33, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 77-2704.33. (1) When a written contract exists for a
12 fixed price for a construction, reconstruction, alteration, or
13 improvement project and the sales tax rate is increased during the
14 term of that fixed-price contract, the contractor may apply for a
15 refund of the increased sales tax amount if such refund amount
16 exceeds ten dollars. The contractor shall be refunded such
17 increased amount if the contractor certifies that the contract was
18 entered into prior to the increase in the tax and that the
19 increased tax for which the refund is requested was paid on the
20 materials annexed to real estate in the project. The contractor
21 shall agree to submit a copy of the contract or other evidence
22 necessary to prove the validity of the application to the
23 satisfaction of the Tax Commissioner. In the event that the sales
1 tax rate is decreased during the term of that fixed-price contract,
2 the contractor shall pay to the Department of Revenue the decreased
3 sales tax amount if the amount of such payment exceeds ten dollars.
4 Failure by a contractor to pay the decreased sales tax amount as
5 provided in this section shall be a Class I misdemeanor if the
6 amount is three hundred dollars or more and a Class IIIA
7 misdemeanor in all other cases.

8 (2) When a written contract exists for a fixed price for
9 a construction, reconstruction, alteration, or improvement project
10 and the annexation or repair labor became subject to the sales and
11 use tax during the term of that fixed-price contract, the taxpayer
12 may apply for a refund of the increased sales tax amount if such
13 refund amount exceeds ten dollars. The taxpayer shall be refunded
14 such increased amount if the taxpayer certifies that the contract
15 was entered into prior to the increase in the tax and that the
16 increased tax for which the refund is requested was paid on the
17 labor applied to materials annexed to real estate in the project.

18 The taxpayer shall agree to submit a copy of the contract or other
19 evidence necessary to prove the validity of the application to the
20 satisfaction of the Tax Commissioner. In the event that annexation
21 or repair labor is removed from the sales and use tax base during
22 the term of a fixed-price contract, the taxpayer shall pay to the
23 Department of Revenue the decreased sales tax amount if the amount
24 of such payment exceeds ten dollars. Failure by a taxpayer to pay
25 the decreased sales tax amount as provided in this section shall be
26 a Class I misdemeanor if the amount is three hundred dollars or
27 more and a Class IIIA misdemeanor in all other cases."

1 2. On page 12, line 18, after "act" insert ". For
2 purposes of this subdivision, fifty percent of the total cost of
3 any project for the construction, repair, or annexation of property
4 to real estate shall be considered the cost of the labor"; in line
5 19 strike "camps and"; in line 21 strike "to" insert "performed
6 with regard to tangible"; in line 22 after "property" insert "when
7 any repair parts would be subject to sales and use tax"; in line 25
8 strike "specialty"; and in line 26 after the first "services"
9 insert "provided with regard to animal life other than animal life
10 of a kind the products of which ordinarily constitute food for
11 human consumption".

12 3. On page 21, line 22, after the comma insert "for
13 detective services under subdivision (4)(i) of section 77-2702.07,
14 in the case of a customer who is an individual, if the individual
15 is residing in this state, or in the case of a business customer,
16 if the principal place of the business is located in this state,";
17 and in lines 23 through 25 strike the new matter and reinstate the
18 stricken matter.

19 4. On page 35, line 19, strike "performed" and insert
20 "purchased"; and strike beginning with "or" in line 20 through
21 "(2)" in line 24 and insert a period.

22 5. On page 36, lines 2 and 5, strike "section" and
23 insert "subsection"; and after line 6 insert the following new
24 subsection:

25 "(2) A taxpayer shall be entitled to a refund of any
26 sales tax paid on construction, annexation, or repair labor for any
27 addition to or rehabilitation of an existing building that
1 increased the market value of the building by at least one hundred
2 percent. The refund granted in this section shall be conditioned
3 upon filing a claim for the refund on a form developed by the Tax
4 Commissioner. The requirements imposed by the Tax Commissioner
5 shall be related to ensuring that the labor purchased qualifies for
6 the refund. Any information received pursuant to the requirements
7 of this subsection may be disclosed to any tax official in this
8 state. Any taxpayer who provides false information on the forms
9 required by the Tax Commissioner for purposes of this subsection
10 shall be subject to the penalties provided in subsection (8) of
11 section 77-2705".

12 6. On page 39, lines 13 and 14 strike "and 77-2704.24"

13 and insert "77-2704.23, 77-2704.24, and 77-2704.33".
14 7. Renumber the remaining sections and correct internal
15 references accordingly.

Pending.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 303:
(Amendment, AM1358, is printed separately and available in the Bill Room,
Room 1104.)

Senator Schimek filed the following amendment to LB 303:
(Amendment, AM1359, is printed separately and available in the Bill Room,
Room 1104.)

Senator Brashear filed the following amendment to LB 146:
AM1463

(Amendments to E & R amendments, AM7113)

- 1 1. On page 4, line 19, after "the" insert "Department of
2 Insurance for credit to the".

VISITORS

Visitors to the Chamber were Halli Tripe and Cliff Sellers from Kearney; 43 fourth-grade students and teachers from Plattsmouth; 33 fourth-grade students and teacher from Loganview Elementary School, Hooper; and 50 fourth-grade students and teacher from Alcott Elementary School, Hastings.

RECESS

At 11:56 a.m., on a motion by Senator Hartnett, 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 Jensen who was excused; and Senators Burling, Redfield, and Schrock who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 759. The Landis pending amendment, AM1429, found in this day's Journal, to the third Standing Committee amendment, FA1327, was renewed.

Senators D. Pederson and Wehrbein 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, 1 nay, and 23 not voting.

The Landis amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

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

AM1447

(Amendments to Standing Committee amendments, FA1327)

- 1 1. On page 12, line 21, strike "to"; and in line 22
- 2 strike "personal property" and insert "performed with regard to
- 3 tangible personal property the sale of which would be subject to
- 4 sales and use tax".
- 5 2. On page 35, strike beginning with "performed" in line
- 6 19 through line 23 and insert "purchased in connection with:
- 7 (a) The first or original construction of a structure;
- 8 (b) The addition of an entire room or floor to any
- 9 existing building;
- 10 (c) The completion of an unfinished portion of an
- 11 existing structure;
- 12 (d) The restoration, reconstruction or replacement of a
- 13 structure damaged or destroyed by fire, flood, tornado, lightning,
- 14 explosion or earthquake;
- 15 (e) The rehabilitation of an existing building that
- 16 increases the market value of an existing building by one hundred
- 17 percent or more; or
- 18 (f) The construction, repair or annexation of any
- 19 structure used for the generation or transmission of electricity."

Senator Mines 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 26 ayes, 1 nay, and 22 not voting.

The Brashear amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Janssen offered the following amendment to the third Standing Committee amendment:

AM1376

(Amendments to Standing Committee amendments, AM1142)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Casino means any establishment conducting games
- 3 of chance which are illegal in the State of Nebraska.
- 4 Sec. 5. Casino advertising means purchasing air time on
- 5 television or radio, purchasing advertising space in newspapers,
- 6 magazines, or billboards, purchasing or circulating pamphlets or
- 7 fliers, purchasing or displaying store signs or window displays, or
- 8 purchasing any other product or media time or space to sell or
- 9 promote the activities of a casino. Casino advertising does not
- 10 include consulting, designing artwork or advertising campaigns, or
- 11 performing any other creative processes that may result in the
- 12 purchase of casino advertising."
- 13 2. On page 6, lines 11 and 16, strike "section 11" and
- 14 insert "sections 4, 5, and 12".
- 15 3. On page 12, line 26, strike "and"; and in line 27
- 16 after "services" insert "; and
- 17 (j) The gross income received for casino advertising".
- 18 4. On page 21, line 23, strike "and" and show as
- 19 stricken; and in line 26 before the period insert ", and for casino
- 20 advertising if the seller of the advertising is located in this
- 21 state and the advertising is to be broadcast, circulated, or
- 22 displayed in this state".
- 23 5. Renumber the remaining sections and correct internal
- 1 references accordingly.

SPEAKER BROMM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Janssen amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Baker offered the following amendment to the third Standing Committee amendment:

AM1464

(Amendments to Standing Committee amendments, FA1327)

- 1 1. On page 12, line 26, after "except" insert "(i)" and
- 2 after the second "services" insert "and (ii) specialty services
- 3 performed on livestock as defined in section 54-183".
- 4 2. In AM1429, on page 3, strike beginning with the
- 5 semicolon in line 7 through the quotation marks in line 11.

The Baker amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Connealy offered the following amendment to the third Standing Committee amendment:

AM1454

(Amendments to AM1447)

- 1 1. On page 1, line 14, strike "or earthquake" and insert
- 2 "ice storm, or other natural disaster"; and in line 19 strike
- 3 "or" and after "transmission" insert ", or distribution".

The Connealy amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 76. Introduced by Smith, 48.

WHEREAS, John Lawson Weihing was born February 26, 1921, to Henry and Adele (Krull) Weihing on a farm near Rocky Ford, Colorado; and

WHEREAS, John Weihing graduated from Rocky Ford High School, Colorado State College of Agriculture, and the University of Nebraska-Lincoln, from which he received his doctorate in botany and plant biology; and

WHEREAS, John Weihing served this country during World War II with the 101st Airborne in both the Pacific and European theaters. His combat experience included a special parachute mission into France the night before the Normandy invasion; and

WHEREAS, Dr. Weihing was one of the first panel members on Back Yard Farmer, the longest running program in all of public television; and

WHEREAS, Dr. Weihing was the first full-time extension plant pathologist in Nebraska, developed the Equation of Nature series for national public television, developed a new land grant university for western Turkey, was director of the Panhandle Research-Extension Center, and published numerous handbooks and articles on plant disease; and

WHEREAS, Dr. Weihing served in the Nebraska Legislature from 1987 to 1991; and

WHEREAS, Dr. Weihing died on February 26, 2003, at the age of 82. Dr. Weihing is survived by his wife, Shirley (Wilkerson) Weihing; their children, Lawson Weihing of Papillion, Nebraska, Martin Weihing of Chicago, Illinois, Adell Gorny of Cheyenne, Wyoming, and Warren Weihing of Boise, Idaho; his sister, Joan Call of Grand Forks, North Dakota; grandchildren, Trevor and Quinton Weihing of Papillion; and many nieces and nephews. Dr. Weihing was preceded in death by his parents, his brothers, and his sister.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its condolences to the family of Dr. Weihing.

2. That a copy of this resolution be sent to the family of Dr. Weihing.

Laid over.

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 626:
AM1421

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The purposes of sections 1 to 9 of this act
- 4 are to establish a standardized, open, and fair process for
- 5 selection of contractual services and to create an accurate
- 6 reporting of expended funds for contractual services. This process
- 7 shall promote a standardized method of selection for state
- 8 contracts for services, assuring a fair assessment of
- 9 qualifications and capabilities for project completion. There
- 10 shall also be an accountable, efficient reporting method of
- 11 expenditures for these services.
- 12 Sec. 2. For purposes of sections 1 to 9 of this act:
- 13 (1) Contract for services means any contract that
- 14 directly engages the time or effort of an independent contractor
- 15 whose purpose is to perform an identifiable task, study, or report
- 16 rather than to furnish an end item of supply, goods, equipment, or
- 17 material;
- 18 (2) Emergency means necessary to meet an urgent or
- 19 unexpected requirement or when health and public safety or the
- 20 conservation of public resources is at risk;
- 21 (3) Materiel division means the materiel division of the
- 22 Department of Administrative Services established in section
- 23 81-1118;
- 24 (4) Sole source means of such a unique nature that the
- 1 contractor selected is clearly and justifiably the only practicable
- 2 source to provide the service. Determination that the contractor
- 3 selected is justifiably the sole source is based on either the
- 4 uniqueness of the service or sole availability at the location
- 5 required; and
- 6 (5) State agency or agency means any state agency, board,
- 7 or commission other than the University of Nebraska, the Nebraska
- 8 state colleges, the courts, the Legislature, or any officer or
- 9 agency established by the Constitution of Nebraska.
- 10 Sec. 3. (1) All state agencies shall process and
- 11 document all contracts for services through the state accounting
- 12 system. The Director of Administrative Services shall specify the
- 13 format and type of information for state agencies to provide and
- 14 approve any alternatives to such formats. All state agencies shall

15 enter the information on new contracts for services and amendments
16 to existing contracts for services. No later than September 15,
17 2003, all state agencies shall have entered such information about
18 all contracts for services made prior to April 1, 2003, that are
19 still in effect. State agency directors shall ensure that
20 contracts for services are coded appropriately into the state
21 accounting system.

22 (2) The requirements of this section also apply to the
23 Nebraska state colleges, the courts, the Legislature, and any
24 officer or agency established by the Constitution of Nebraska, but
25 not to the University of Nebraska.

26 (3) The Director of Administrative Services shall
27 establish a centralized data base, either through the state
1 accounting system or through an alternative system, which
2 specifically identifies where a copy of each contract for services
3 may be found.

4 Sec. 4. Except as provided in section 7 of this act:

5 (1) All state agencies shall comply with the review and
6 competitive bidding processes provided in this section for
7 contracts for services. Unless otherwise exempt, no state agency
8 shall expend funds for contracts for services without complying
9 with this section;

10 (2) All proposed state agency contracts for services in
11 excess of fifty thousand dollars shall be bid in the manner
12 prescribed by the materiel division procurement manual or a process
13 approved by the Director of Administrative Services. Bidding may
14 be performed at the state agency level or by the materiel division.
15 Any state agency may request that the materiel division conduct the
16 competitive bidding process;

17 (3) If the bidding process is at the state agency level,
18 then state agency directors shall ensure that bid documents for
19 each contract for services in excess of fifty thousand dollars are
20 prereviewed by the materiel division and that any changes to the
21 proposed contract that differ from the bid documents in the
22 proposed contract for services are reviewed by the materiel
23 division before signature by the parties;

24 (4) State agency directors, in cooperation with the
25 materiel division, shall be responsible for appropriate public
26 notice of an impending contractual services project in excess of
27 fifty thousand dollars in accordance with the materiel division's
1 procurement manual and sections 1 to 9 of this act; and

2 (5) State agency directors, in cooperation with the
3 materiel division, shall be responsible for ensuring that a request
4 for contractual services in excess of fifty thousand dollars is
5 filed with the materiel division for dissemination or web site
6 access to vendors interested in competing for contracts for
7 services.

8 Sec. 5. State agency directors shall be responsible for
9 maintaining accurate documentation of the process used for

10 selection of all contracts for services and for ensuring and
11 documenting that services required under the contract are being
12 performed in compliance with the terms of the contract for
13 services. Such documentation shall be kept with each contract for
14 services.

15 Sec. 6. State agency contracts for services shall be
16 subject to the following requirements:

17 (1) Payments shall be made when contractual deliverables
18 are received or in accordance with specific contractual terms and
19 conditions;

20 (2) State agencies may not enter into contracts for
21 services with an unspecified or unlimited duration; and

22 (3) State agencies may not structure contracts for
23 services to avoid any of the requirements of sections 1 to 9 of
24 this act.

25 Sec. 7. (1) Subject to review by the Director of
26 Administrative Services, the materiel division shall provide
27 procedures to grant limited exceptions from the provisions of
1 sections 4, 8, and 9 of this act for:

2 (a) Sole source and emergency contracts; and

3 (b) Other circumstances or specific contracts when any of
4 the requirements of sections 4, 8, and 9 of this act are not
5 appropriate for or are not compatible with the circumstances or
6 contract. The materiel division shall provide a written rationale
7 which shall be kept on file when granting an exception under this
8 subdivision.

9 (2) The following types of contracts for services are not
10 subject to sections 4, 8, and 9 of this act:

11 (a) Contracts for services subject to the Nebraska
12 Consultants' Competitive Negotiation Act;

13 (b) Contracts for services subject to federal law,
14 regulation, or policy or state statute, under which a state agency
15 is required to use a different selection process or to contract
16 with an identified contractor or type of contractor;

17 (c) Contracts for professional legal services and
18 services of expert witnesses, hearing officers, or administrative
19 law judges retained by state agencies for administrative or court
20 proceedings;

21 (d) Contracts involving state or federal financial
22 assistance passed through by a state agency to a political
23 subdivision;

24 (e) Contracts with direct providers of medical or child
25 care procured for individual public assistance clients or any other
26 client-based service identified by the materiel division;

27 (f) Agreements for services to be performed for a state
1 agency by another state or local government agency or contracts
2 made by a state agency with a local government agency for the
3 direct provision of services to the public;

4 (g) Agreements for services to be performed by or between

5 a state agency and the University of Nebraska, the Nebraska state
6 colleges, the courts, the Legislature, or other officers or
7 agencies established by the Constitution of Nebraska;
8 (h) Department of Insurance contracts for financial or
9 actuarial examination, for rehabilitation, conservation,
10 reorganization, or liquidation of licensees, and for contracts for
11 professional services related to residual pools or excess funds
12 under the agency's control;

13 (i) Department of Roads contracts for all road and bridge
14 projects; and

15 (j) Nebraska Investment Council contracts.

16 Sec. 8. Except as provided in section 7 of this act, all
17 proposed sole source contracts for services in excess of
18 twenty-five thousand dollars shall be preapproved by the materiel
19 division except in emergencies. In case of an emergency, contract
20 approval by the state agency director or his or her designee is
21 required. A copy of the contract and agency justification of the
22 emergency shall be provided to the Director of Administrative
23 Services within three business days after contract approval. The
24 state agency shall retain a copy of the justification with the
25 contract in the agency files. The Director of Administrative
26 Services shall maintain a complete record of such sole source
27 contracts for services.

1 Sec. 9. Each proposed contract for services in excess of
2 fifty thousand dollars which requests services that are now
3 performed or have, within the year immediately preceding the date
4 of the proposed contract, been performed by a state employee
5 covered by the classified personnel system or by any labor contract
6 shall use a pre-process prescribed by the materiel division. The
7 pre-process shall include evaluation of the displacement of the
8 employee of the state agency or position held by the employee of
9 the state agency within the preceding year, and of the cost of such
10 a contract for services against the expected advantages, whether
11 economic or otherwise. Documentation of each evaluation shall be
12 maintained in the contract file by the state agency.

13 Sec. 10. Section 81-1118, Revised Statutes Supplement,
14 2002, is amended to read:

15 81-1118. The materiel division of the Department of
16 Administrative Services is hereby established and shall be managed
17 by the materiel administrator.

18 There are hereby established the following seven branches
19 of the materiel division of the Department of Administrative
20 Services which shall have the following duties, powers, and
21 responsibilities:

22 (1) The office supplies bureau shall be responsible for
23 providing office supplies, paper, and forms to using agencies;

24 (2) Central mail shall be responsible for all mailing
25 operations, transportation of material, tracking shipments, and
26 making freight claims;

27 (3) The print shop shall be responsible for
1 specifications and for receiving bids and placing orders to the
2 lowest and best commercial bidder for all printing and reproduction
3 operations for the state. The print shop shall also be responsible
4 for coordinating all existing printing and reproduction operations
5 of the state;
6 (4) Copy services shall be responsible for the purchasing
7 and placement of all copier requirements;
8 (5) The state purchasing bureau shall be responsible for
9 all purchases by all state agencies other than the University of
10 Nebraska. The materiel division shall administer the public notice
11 and bidding procedures and any other areas designated by the
12 Director of Administrative Services to carry out the lease or
13 purchase of personal property. All purchases of and contracts for
14 materials, supplies, or equipment and all leases of personal
15 property shall be made in the following manner except in
16 emergencies approved by the Governor:
17 (a) By a competitive formal sealed bidding process
18 through the materiel division in all cases in which the purchases
19 are of estimated value in the amount of ~~ten~~ twenty-five thousand
20 dollars or more;
21 (b) By a competitive informal bidding through the
22 materiel division in all cases in which the purchases are of
23 estimated value equal to or exceeding ~~five~~ ten thousand dollars but
24 less than ~~ten~~ twenty-five thousand dollars;
25 (c) By unrestricted open market purchases through the
26 materiel division in all cases in which purchases are of estimated
27 value of less than ~~five~~ ten thousand dollars;
1 (d) All requisitions for whatever purpose coming to the
2 state purchasing bureau shall be in conformance with the approved
3 budget of the requisitioning department or agency; and
4 (e) All contracts for purchases and leases shall be bid
5 as a single whole item. In no case shall contracts be divided or
6 fractionated in order to produce several contracts which are of an
7 estimated value below that required for competitive bidding;
8 (6) The state recycling office shall be responsible for
9 the administration and operation of the State Government Recycling
10 Management Act; and
11 (7) State surplus property shall be responsible for the
12 disposition of the state's surplus property and the maintenance of
13 all inventory records.
14 Nothing in this section shall be construed to require
15 that works of art must be procured through the materiel division.
16 Sec. 11. Original section 81-1118, Revised Statutes
17 Supplement, 2002, is repealed."

Senator Thompson filed the following amendment to LB 303:
AM1367

(Amendments to E & R amendments, AM7100)

- 1 1. On page 15, line 14, strike the new matter; and in
- 2 line 15 after "trucks" insert ", or on and after the operative date
- 3 of this section and until July 1, 2007, eye protection violations".
- 4 2. On page 16, line 2, strike "Except" and insert "(a)
- 5 Until July 1, 2007, and except"; and after line 16 insert
- 6 "(b) On and after July 1, 2007, a person shall not
- 7 operate or be a passenger on a motorcycle or moped on any highway
- 8 in this state unless such person is wearing a protective helmet of
- 9 the type and design manufactured for use by operators of such
- 10 vehicles and unless such helmet is secured properly on his or her
- 11 head with a chin strap while the vehicle is in motion. All such
- 12 protective helmets shall be designed to reduce injuries to the user
- 13 resulting from head impacts and shall be designed to protect the
- 14 user by remaining on the user's head, deflecting blows, resisting
- 15 penetration, and spreading the force of impact. Each such helmet
- 16 shall consist of lining, padding, and chin strap and shall meet or
- 17 exceed the standards established in the United States Department of
- 18 Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
- 19 C.F.R. 571.218, for motorcycle helmets.".
- 20 3. On page 17, lines 6, 10, and 15, after the period
- 21 insert "This subsection terminates on July 1, 2007.".

Senators Stuhr, Raikes, Hartnett, and Bromm filed the following amendment to LB 249:
AM1462

(Amendments to Standing Committee amendments, AM0931)

- 1 1. Strike amendment 2.
- 2 2. Insert the following new section:
- 3 "Section 1. Section 79-235, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-235. For purposes of all duties, entitlements, and
- 6 rights established by law, including special education as provided
- 7 in section 79-1127, except as provided in section 79-241, option
- 8 students shall be treated as resident students of the option school
- 9 district. The option student may request a particular school
- 10 building, but the building assignment of the option student shall
- 11 be determined by the option school district. In determining
- 12 eligibility for extracurricular activities as defined in section
- 13 79-2,126, the option student shall be treated similarly to other
- 14 students who transfer into the school from another public, private,
- 15 denominational, or parochial school.".
- 16 3. On page 1, line 1, strike "original section 2" and
- 17 insert "the original sections".
- 18 4. On page 6, line 11, after "Original" insert "section
- 19 79-235, Reissue Revised Statutes of Nebraska, and" and strike
- 20 "79-237,".
- 21 5. Renumber the remaining sections and correct internal
- 22 references accordingly.
- 23 6. Renumber the remaining amendment accordingly.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

UNANIMOUS CONSENT - Members Excused

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

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

GENERAL FILE

LEGISLATIVE BILL 759. The third Standing Committee amendment, FA1327, found in this day's Journal, as amended, was renewed.

Senator Landis moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The third Standing Committee amendment, as amended, was adopted with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Brashear offered the following amendment:
AM1444

- 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-nine
- 7 cents per gallon on all beer; seventy-five ninety-five 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 cents per gallon for wines and other dilute
- 11 alcoholic beverages containing more than fourteen percent of
- 12 alcohol by volume, except for wines produced in farm wineries; five
- 13 six cents per gallon for wine produced in farm wineries; and three
- 14 dollars three dollars and seventy-five cents per gallon on alcohol
- 15 and spirits manufactured and sold by such manufacturer or shipped
- 16 for 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
24 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."

8 2. Correct the operative date section so that the
9 section added by this amendment becomes operative on the first date
10 of the first calendar quarter commencing on or after the effective
11 date of this act.

12 3. Renumber the remaining sections and correct internal
13 references accordingly.

The Brashear amendment was adopted with 30 ayes, 0 nays, 14 present and
not voting, and 5 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teacher from Sandoz Elementary School, Lexington; 75 fifth-grade students and teachers from Bellfield Elementary School, Fremont; and Dale and Dani Riesberg from Crofton.

ADJOURNMENT

At 4:44 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Thursday, April 24, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 24, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 24, 2003

PRAYER

The prayer was offered by Pastor Bob Johnson, Evangelical Covenant Church, Stromsburg, 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 Jensen, Preister, and Redfield who were excused; and Senators Bourne, Brown, and Quandahl who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 759. Senator Brashear offered the following amendment:

(Amendment, AM1445, is on file and available in the Clerk's Office, Room 2014.)

Senator Brashear offered the following amendment to his pending amendment:

AM1477

(Amendments to AM1445)

- 1 1. Insert the following new section:
- 2 "Sec. 39. If any section in this act or any part of any
- 3 section is declared invalid or unconstitutional, the declaration
- 4 shall not affect the validity or constitutionality of the remaining
- 5 portions."
- 6 2. Renumber the remaining sections accordingly.

Senators Bromm, Engel, Jones, Mines, D. Pederson, and Stuthman asked

unanimous consent to be excused until they return. No objections. So ordered.

Senator Brashear withdrew his amendment, AM1477.

Senator Schrock offered the following amendment to the Brashear pending amendment:

AM1479

(Amendments to AM1445)

- 1 1. Strike section 16 and insert the following new
- 2 section:
- 3 "Sec. 2. Section 77-202, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 77-202. (1) The following property shall be exempt from
- 6 property taxes:
- 7 (a) Property of the state and its governmental
- 8 subdivisions to the extent used or being developed for use by the
- 9 state or governmental subdivision for a public purpose. For
- 10 purposes of this subdivision, public purpose means use of the
- 11 property (i) to provide public services with or without cost to the
- 12 recipient, including the general operation of government, public
- 13 education, public safety, transportation, public works, civil and
- 14 criminal justice, public health and welfare, developments by a
- 15 public housing authority, parks, culture, recreation, community
- 16 development, and cemetery purposes, or (ii) to carry out the duties
- 17 and responsibilities conferred by law with or without
- 18 consideration. Public purpose does not include leasing of property
- 19 to a private party unless the lease of the property is at fair
- 20 market value for a public purpose. Leases of property by a public
- 21 housing authority to low-income individuals as a place of residence
- 22 are for the authority's public purpose;
- 23 (b) Unleased property of the state or its governmental
- 1 subdivisions which is not being used or developed for use for a
- 2 public purpose but upon which a payment in lieu of taxes is paid
- 3 for public safety, rescue, and emergency services and road or
- 4 street construction or maintenance services to all governmental
- 5 units providing such services to the property. Except as provided
- 6 in Article VIII, section 11, of the Constitution of Nebraska, the
- 7 payment in lieu of taxes shall be based on the proportionate share
- 8 of the cost of providing public safety, rescue, or emergency
- 9 services and road or street construction or maintenance services
- 10 unless a general policy is adopted by the governing body of the
- 11 governmental subdivision providing such services which provides for
- 12 a different method of determining the amount of the payment in lieu
- 13 of taxes. The governing body may adopt a general policy by
- 14 ordinance or resolution for determining the amount of payment in
- 15 lieu of taxes by majority vote after a hearing on the ordinance or
- 16 resolution. Such ordinance or resolution shall nevertheless result
- 17 in an equitable contribution for the cost of providing such

18 services to the exempt property;

19 (c) Property owned by and used exclusively for
20 agricultural and horticultural societies;

21 (d) Property owned by educational, religious, charitable,
22 or cemetery organizations, or any organization for the exclusive
23 benefit of any such educational, religious, charitable, or cemetery
24 organization, and used exclusively for educational, religious,
25 charitable, or cemetery purposes, when such property is not (i)
26 owned or used for financial gain or profit to either the owner or
27 user, (ii) used for the sale of alcoholic liquors for more than
1 twenty hours per week, or (iii) owned or used by an organization
2 which discriminates in membership or employment based on race,
3 color, or national origin. For purposes of this subdivision,
4 educational organization means (A) an institution operated
5 exclusively for the purpose of offering regular courses with
6 systematic instruction in academic, vocational, or technical
7 subjects or assisting students through services relating to the
8 origination, processing, or guarantying of federally reinsured
9 student loans for higher education or (B) a museum or historical
10 society operated exclusively for the benefit and education of the
11 public. For purposes of this subdivision, charitable organization
12 means an organization operated exclusively for the purpose of the
13 mental, social, or physical benefit of the public or an indefinite
14 number of persons; and

15 (e) Household goods and personal effects not owned or
16 used for financial gain or profit to either the owner or user.

17 (2) The increased value of land by reason of shade and
18 ornamental trees planted along the highway shall not be taken into
19 account in the valuation of land.

20 (3) Tangible personal property which is not depreciable
21 tangible personal property as defined in section 77-119 shall be
22 exempt from property tax.

23 (4) Motor vehicles required to be registered for
24 operation on the highways of this state shall be exempt from
25 payment of property taxes.

26 (5) Business and agricultural inventory shall be exempt
27 from the personal property tax. For purposes of this subsection,
1 business inventory includes personal property owned for purposes of
2 leasing or renting such property to others for financial gain only
3 if the personal property is of a type which in the ordinary course
4 of business is leased or rented thirty days or less and may be
5 returned at the option of the lessee or renter at any time and the
6 personal property is of a type which would be considered household
7 goods or personal effects if owned by an individual. All other
8 personal property owned for purposes of leasing or renting such
9 property to others for financial gain shall not be considered
10 business inventory.

11 (6) Any personal property exempt pursuant to subsection
12 (2) of section 77-4105 shall be exempt from the personal property

13 tax.

14 (7) Livestock shall be exempt from the personal property

15 tax.

16 (8) Agricultural personal property shall be exempt from

17 the personal property tax.".

18 2. Correct the operative date section and repealer so

19 that the section added by this amendment becomes operative on

20 January 1, 2004.

21 3. Renumber the remaining sections and correct internal

22 references accordingly.

Senator Schimek asked unanimous consent to be excused until she 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.

SPEAKER BROMM PRESIDING

Senator Schrock moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Schrock requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 17:

Baker	Cudaback	Kremer	Pedersen, Dw.	Vrtiska
Brashear	Erdman	Kruse	Schrock	
Brown	Janssen	Louden	Smith	
Burling	Johnson	Mines	Tyson	

Voting in the negative, 14:

Aguilar	Chambers	Hartnett	Price	Thompson
Bourne	Combs	Hudkins	Quandahl	Wehrbein
Bromm	Friend	Landis	Raikes	

Present and not voting, 10:

Beutler	Connealy	Foley	McDonald	Stuhr
Byars	Cunningham	Maxwell	Mossey	Synowiecki

Excused and not voting, 8:

Engel	Jones	Preister	Schimek
Jensen	Pederson, D.	Redfield	Stuthman

The Schrock amendment lost with 17 ayes, 14 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Brashear pending amendment, AM1445, on file and referred to in this day's Journal, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator Brashear requested a record vote on his amendment.

Voting in the affirmative, 11:

Bourne	Chambers	Kruse	Schrock
Brashear	Engel	Mines	Thompson
Brown	Hartnett	Pedersen, Dw.	

Voting in the negative, 28:

Aguilar	Combs	Friend	Maxwell	Stuhr
Baker	Connealy	Hudkins	McDonald	Tyson
Beutler	Cudaback	Janssen	Mossey	Vrtiska
Bromm	Cunningham	Johnson	Quandahl	Wehrbein
Burling	Erdman	Kremer	Raikes	
Byars	Foley	Landis	Smith	

Present and not voting, 3:

Louden	Price	Synowiecki

Excused and not voting, 7:

Jensen	Pederson, D.	Redfield	Stuthman
Jones	Preister	Schimek	

The Brashear amendment lost with 11 ayes, 28 nays, 3 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment:
AM1481

(Amendments to Standing Committee amendments, FA1327)

- 1 1. On page 35, lines 1 through 17, strike the new matter
- 2 and reinstate the stricken matter.

SENATOR CUDABACK PRESIDING

Senator Foley 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 27 ayes, 0 nays, and 22 not voting.

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, 33:

Aguilar	Chambers	Hudkins	McDonald	Stuhr
Baker	Combs	Janssen	Mossey	Synowiecki
Brashear	Cudaback	Johnson	Pedersen, Dw.	Tyson
Bromm	Cunningham	Jones	Pederson, D.	Vrtiska
Brown	Engel	Kremer	Quandahl	Wehrbein
Burling	Erdman	Louden	Raikes	
Byars	Friend	Maxwell	Smith	

Voting in the negative, 7:

Bourne	Hartnett	Landis	Thompson
Connealy	Kruse	Mines	

Present and not voting, 3:

Beutler	Price	Schrock

Excused and not voting, 6:

Foley	Preister	Schimek
Jensen	Redfield	Stuthman

The Chambers amendment was adopted with 33 ayes, 7 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Landis and Brashear offered the following amendment:
AM1478

(Amendments to AM1142)

- 1 1. Strike section 11 and all amendments thereto and
- 2 insert the following new section:
- 3 "Sec. 15. (1) Sales and use taxes shall not be imposed
- 4 on construction, repair, or annexation labor purchased in
- 5 connection with:

- 6 (a) The first or original construction of a structure;
7 (b) The addition of an entire room or floor to any
8 existing building;
9 (c) The completion of an unfinished portion of an
10 existing structure;
11 (d) The restoration, reconstruction, or replacement of a
12 structure damaged or destroyed by fire, flood, tornado, lightning,
13 explosion, ice storm, or other natural disaster; or
14 (e) The construction, repair, or annexation of any
15 structure used for the generation, transmission, or distribution of
16 electricity.
17 (2) The exemption granted in this section shall be
18 conditioned upon filing requirements for the exemption as imposed
19 by the Tax Commissioner. The requirements imposed by the Tax
20 Commissioner shall be related to ensuring that the labor purchased
21 qualifies for the exemption. Any information received pursuant to
22 the requirements of this subsection may be disclosed to any tax
23 official in this state. Any taxpayer who provides false
1 information on the forms required by the Tax Commissioner for
2 purposes of this subsection shall be subject to the penalties
3 provided in subsection (8) of section 77-2705.
4 (3) A taxpayer shall be entitled to a refund of any sales
5 tax paid on construction, annexation, or repair labor for any
6 rehabilitation of an existing building that increased the market
7 value of the building by at least one hundred percent. The refund
8 granted in this section shall be conditioned upon filing a claim
9 for the refund on a form developed by the Tax Commissioner. The
10 requirements imposed by the Tax Commissioner shall be related to
11 ensuring that the labor purchased qualifies for the refund. Any
12 information received pursuant to the requirements of this
13 subsection may be disclosed to any tax official in this state. Any
14 taxpayer who provides false information on the forms required by
15 the Tax Commissioner for purposes of this subsection shall be
16 subject to the penalties provided in subsection (8) of section
17 77-2705."
18 2. On page 12, strike lines 16 through 18 and all
19 amendments thereto and insert the following new subdivision:
20 "(e) The gross income received for labor by a contractor
21 for construction, repair, or annexation of improvements to real
22 property except as provided in section 15 of this act. If such
23 labor is not clearly separated on the invoice or bill from the
24 contractor, fifty percent of the total cost of the project
25 involving such labor shall be considered the cost of the labor;"
26 2. On page 12, strike lines 21 through 24 and all amendments thereto and
27 insert the following new subdivision:
1 "(g) The gross income received for labor for repair
2 services performed with regard to tangible personal property the
3 sale of which would be subject to sales and use taxes, including
4 motor vehicles, except as otherwise provided in subdivision (2)(f)

5 of section 77-2702.13 or section 77-2704.26;"

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

The Landis-Brashear amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Brashear offered the following amendment:
AM1476

- 1 1. Insert the following new section:
- 2 "Sec. 39. If any section in this act or any part of any
- 3 section is declared invalid or unconstitutional, the declaration
- 4 shall not affect the validity or constitutionality of the remaining
- 5 portions."
- 6 2. Renumber the remaining sections accordingly.

The Brashear amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Byars filed the following amendment to LB 513:
AM1475

- 1 1. Strike the original section and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) Beginning with school year 2003-04, each
- 4 postsecondary educational institution shall provide to each newly
- 5 enrolled student who will reside in on-campus housing and the
- 6 student's parent or guardian: (a) Detailed information on the
- 7 risks associated with the potentially fatal meningococcal disease;
- 8 (b) the availability and effectiveness of a vaccine against the
- 9 disease; (c) a recommendation that each student receive the
- 10 meningococcal vaccination; and (d) information on the availability
- 11 of an indigent patient fund to assist qualified persons with the
- 12 cost of the vaccine.
- 13 (2) Each postsecondary educational institution shall
- 14 request a confirmation signed by the student, parent, or guardian
- 15 that the information provided has been received and reviewed."

VISITORS

Visitors to the Chamber were 70 fifth-grade students, teachers, and sponsors from Sacred Heart Elementary School, Norfolk; 37 fourth-grade students and teachers from Lost Creek Elementary School, Columbus; members of the Nebraska Federation of Republican Women from across the state; Patty

Plugge, Scott Bovick, Harriet Waite, and Trista Farns from Blair; 35 eighth-grade students and teachers from Christ the King School, Omaha; 75 fourth-grade students and teacher from Trinity Christian School, Omaha; Senator Cunningham's mother, Elda, from Wausa, and his sisters, Terri Suhr, from Wausa, and Vicki Erickson, from York; Lee Warneke from Plainview and Rob Dump from Hartington; and 60 fourth-grade students and teacher from Central City.

RECESS

At 11:58 a.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 Jensen, Preister, and Redfield who were excused; and Senators Brashear, Engel, Landis, Schimek, and Stuthman who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 540. Title read. Considered.

The Standing Committee amendment, AM1287, printed separately and referred to on page 1264, was considered.

Senators Mines, Mossey, and Price asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

SENATOR CUDABACK PRESIDING

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

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

Senator Raikes withdrew his pending amendments, AM0135, found on page 345, and AM0712, printed separately and referred to on page 755.

Senator Tyson renewed the Tyson et al. pending amendment, AM1286, found on page 1319.

Senator Beutler 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 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 on the Tyson et al. amendment.

Voting in the affirmative, 13:

Connealy	Foley	Kruse	Smith	Vrtiska
Cunningham	Jones	Louden	Stuthman	
Engel	Kremer	McDonald	Tyson	

Voting in the negative, 20:

Baker	Byars	Hudkins	Pederson, D.	Stuhr
Bourne	Chambers	Landis	Quandahl	Synowiecki
Brown	Combs	Mines	Raikes	Thompson
Burling	Hartnett	Pedersen, Dw.	Schrock	Wehrbein

Present and not voting, 9:

Aguilar	Brashear	Cudaback	Janssen	Maxwell
Beutler	Bromm	Friend	Johnson	

Excused and not voting, 7:

Erdman	Mossey	Price	Schimek
Jensen	Preister	Redfield	

The Tyson et al. amendment lost with 13 ayes, 20 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 249. The Standing Committee amendment, AM0931, found on page 1014 and considered on page 1301, was renewed.

Senator Bromm withdrew his pending amendment, AM1260, found on page 1217 and considered on page 1307.

Senator Bromm withdrew the Bromm et al. pending amendment, AM1418, found on page 1333.

Senator Stuhr renewed the Stuhr et al. pending amendment, AM1462, found on page 1392, to the Standing Committee amendment.

Senators Brashear and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Stuhr et al. amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Raikes renewed his pending amendment, AM1380, found on page 1307, to the Standing Committee amendment.

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

The Raikes 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 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Hartnett withdrew his pending amendment, AM1405, found on page 1327.

Advanced to E & R for review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 77. Introduced by Brown, 6.

WHEREAS, in light of Liz Karnes' longstanding service to the Omaha community, the state, and the nation; and

WHEREAS, Liz Karnes demonstrated great interest and effort on behalf of children and their education; and

WHEREAS, Liz Karnes was involved in ensuring quality education for all children, especially in District 66, as a parent, school board member, and educator; and

WHEREAS, Liz Karnes and her husband, David, have instilled in their four daughters, Korey, Kalen, Kara, and Laurel, the value of community service.

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

1. That the Legislature, on behalf of the Citizens of Nebraska, extends its deep condolences to the Karnes and Lueder families.

2. The Legislature further extends its admiration for the achievements of Liz Karnes and appreciation for her contribution to the lives of the citizens of Nebraska.

Laid over.

AMENDMENTS - Print in Journal

Senator Bromm filed the following amendment to LB 209:
AM1346

- 1 1. Strike original section 19 and insert the following
- 2 new sections:
- 3 "Sec. 16. Section 60-1513, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-1513. The Department of Motor Vehicles Cash Fund is
- 6 hereby created. The fund shall be administered by the Director of
- 7 Motor Vehicles. The fund shall be used by the Department of Motor
- 8 Vehicles to carry out its duties as deemed necessary by the
- 9 Director of Motor Vehicles, except that transfers from the fund to
- 10 the General Fund may be made at the direction of the Legislature.
- 11 The State Treasurer shall transfer forty thousand dollars from the
- 12 Department of Motor Vehicles Cash Fund to the Administrative
- 13 License Revocation Cash Fund as soon as possible on or after July
- 14 1, 2003. Any money in the Department of Motor Vehicles Cash Fund
- 15 available for investment shall be invested by the state investment
- 16 officer pursuant to the Nebraska Capital Expansion Act and the
- 17 Nebraska State Funds Investment Act.
- 18 Sec. 19. The Administrative License Revocation Cash Fund
- 19 is created. The fund shall be maintained by the Department of
- 20 Justice and administered by the Attorney General. The fund shall
- 21 consist of any transfers made from the Department of Motor Vehicles
- 22 Cash Fund as authorized by the Legislature and eligible federal
- 23 cost reimbursements received from the Department of Motor Vehicles.
- 24 The Administrative License Revocation Cash Fund shall be used to
- 1 pay any administrative license revocation costs approved by the
- 2 Attorney General as authorized by law. Any money in the fund
- 3 available for investment shall be invested by the state investment
- 4 officer pursuant to the Nebraska Capital Expansion Act and the
- 5 Nebraska State Funds Investment Act.
- 6 Sec. 21. Sections 1 to 15, 17, 18, 20, and 22 of this
- 7 act become operative on October 1, 2003. The other sections of
- 8 this act become operative on their effective date.
- 9 Sec. 23. Section 60-1513, Reissue Revised Statutes of
- 10 Nebraska, is repealed.
- 11 Sec. 24. Since an emergency exists, this act takes
- 12 effect when passed and approved according to law."
- 13 2. Renumber the remaining sections accordingly.

Senator Baker filed the following amendment to LB 479:
AM1382

(Amendments to Standing Committee amendments, AM0852)

- 1 1. Strike sections 6 and 7.
- 2 2. On page 9, strike beginning with "To" in line 7

3 through "(9)" in line 25.

4 3. On page 10, line 15, strike "(10)" and insert "(9)".

5 4. On page 17, line 26, strike "to 66-1345.01" and
6 insert ", 66-1344.01".

7 5. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 209:
AM1499

1 1. Strike original section 7 and all amendments thereto
2 and insert the following new section:
3 "Sec. 7. Section 60-6,208, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 ~~60-6,208.~~ Any person who feels himself or herself
6 aggrieved because of ~~such the~~ revocation of his or her operator's
7 license under sections 4 to 7 of this act may appeal therefrom to
8 the district court of the county where the alleged events occurred
9 for which he or she was arrested in accordance with the
10 Administrative Procedure Act. The district court shall allow any
11 party to an appeal to appear by telephone at any proceeding before
12 the court for purposes of the appeal. Such appeal shall suspend
13 the order of revocation until the final judgment of a court finds
14 against the person so appealing. The court shall provide notice of
15 the final judgment to the Department of Motor Vehicles. The period
16 of revocation shall commence at the time of final judgment of the
17 court for the full period of the time of revocation."

Senator Foley filed the following amendment to LB 249:
AM0887

1 1. Insert the following new section:
2 "Sec. 3. The following section is outright repealed:
3 Section 71-6909, Reissue Revised Statutes of Nebraska."

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 754. No objections. So ordered.

VISITORS

Visitors to the Chamber were Shar Sieck from Crete; 25 fourth-grade students and teachers from Brownell-Talbot Elementary School, Omaha; 20 fourth-grade students and teacher from Shelby; Christie and Hannah Schroff from Lincoln; 7 fourth-grade students and teacher from Rising Star School, Juniata; 15 sixth-grade students and teacher from Sandhills Public School, Halsey/Dunning; and Ken Spray from Clay Center.

ADJOURNMENT

At 5:10 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Friday, April 25, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 25, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 25, 2003

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 Hartnett, Jensen, and Redfield who were excused; and Senators Brashear, Brown, Landis, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 24, 2003, 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

Funk, Christine
Planned Parenthood of Omaha-Council Bluffs

Nielsen, Coleen J.
Medco Health Solutions, Inc.

MESSAGE FROM THE GOVERNOR

April 23, 2003

President, Speaker Bromm

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

Dear Mr. President, Speaker Bromm, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Board of Educational Lands and Funds.

APPOINTEE:

Robert Martin, 2526 S 109th St, Omaha, NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

REPORTS

The following report was received by the Legislature:

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for March 2003

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 479:
AM1503

(Amendments to Standing Committee amendments, AM0852)

- 1 1. On page 5, line 17, after the period insert "The
- 2 Department of Revenue may extend the June 30, 2004, production
- 3 deadline for acts of God which result in failure of the facility to
- 4 meet the production requirement under this subsection.".

SELECT FILE

LEGISLATIVE BILL 160. Senator Engel renewed the Engel-Kremer pending amendment, AM0629, printed separately and referred to on page 710.

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

The Engel-Kremer amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Chambers withdrew his pending motion, found on page 1183, to bracket LB 160 until May 31, 2003.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 735. E & R amendment, AM7102, printed separately and referred to on page 1274, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 735A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 255. Advanced to E & R for engrossment.

LEGISLATIVE BILL 367. E & R amendment, AM7103, found on page 1275, was adopted.

Senator Preister renewed the Preister et al. pending amendment, AM1323, found on page 1284.

The Preister et al. amendment was adopted with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 626. Senator Preister renewed his pending amendment, AM1421, found on page 1387.

Senator Preister moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Preister amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

SPEAKER BROMM PRESIDING

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Martin, Robert - Board of Educational Lands and Funds - Education

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING**Education**

Room 1525

Tuesday, May 6, 2003

1:00 p.m.

Randall G. Bretz - Nebraska Educational Telecommunications Commission

William Griffin - Nebraska Educational Telecommunications Commission

John Heil - Nebraska Educational Telecommunications Commission

Robert Martin - Board of Educational Lands and Funds

J. Paul McIntosh - Nebraska Educational Telecommunications Commission

Ann Pickel - Nebraska Educational Telecommunications Commission

(Signed) Ron Raikes, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 78.** 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 EducationQuest Foundation are joining in partnership to celebrate May as Scholarship Month.

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

1. That May 2003 be declared Scholarship Month in Nebraska.

Laid over.

STANDING COMMITTEE REPORTS**Appropriations****LEGISLATIVE BILL 402.** Placed on General File as amended.

Standing Committee amendment to LB 402:

AM1390

- 1 1. Strike original section 26 and insert the following
- 2 new sections:

- 3 "Sec. 7. AGENCY NO. 12 -- STATE TREASURER

- 4 Program No. 665 - Convention Center Facility Financing

- 5 Assistance

6	<u>FY2001-02</u>	<u>FY2002-03</u>

7 <u>CASH FUND</u>	<u>-0-</u>	<u>556,020</u>

8 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>556,020</u>

9 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

10 There is included in the appropriation to this program
 11 from the Convention Center Support Fund for FY2002-03 \$556,020 Cash
 12 Funds, which shall only be disbursed to a city of the metropolitan
 13 class for which an application for state assistance has been
 14 approved under the Convention Center Facility Financing Assistance
 15 Act.

16 The State Treasurer shall transfer \$238,294 from the
 17 Convention Center Support Fund to the Local Civic, Cultural, and
 18 Convention Center Financing Fund within five days after the
 19 effective date of this act.

20 Sec. 8. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION

21 Program No. 25 - Education, Administration and Support

	<u>FY2001-02</u>	<u>FY2002-03</u>
22		
23	<u>GENERAL FUND</u>	<u>-0-</u>
		<u>80,878</u>
24	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>80,878</u>

1 There is included in the appropriation to this program
 2 for FY2002-03 \$74,503 General Funds provided as state aid for
 3 option enrollment transportation claims for FY2001-02, which funds
 4 shall only be used for such purpose.

5 There is included in the appropriation to this program
 6 for FY2002-03 \$6,375 General Funds provided as state aid for
 7 substitute teachers pursuant to section 79-808, which funds shall
 8 only be used for such purpose.

9 Sec. 15. AGENCY NO. 30 -- STATE ELECTRICAL BOARD

10 Program No. 197 - Public Protection

	<u>FY2001-02</u>	<u>FY2002-03</u>
11		
12	<u>CASH FUND</u>	<u>-0-</u>
		<u>68,637</u>
13	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>68,637</u>
14	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>56,037</u>

15 Sec. 22. AGENCY NO. 54 -- NEBRASKA STATE HISTORICAL
 16 SOCIETY

17 Program No. 648 - Nebraska State Historical Society

	<u>FY2001-02</u>	<u>FY2002-03</u>
18		
19	<u>GENERAL FUND</u>	<u>-0-</u>
		<u>58,000</u>
20	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>58,000</u>
21	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>-0-</u>

22 Sec. 27. Laws 2001, LB 543, section 265, is amended to
 23 read:

24 Sec. 265. REVOLVING FUNDS.

25 The receipts for FY2001-02 and FY2002-03 inuring to the
 26 several Revolving Funds, together with any amounts held in account
 27 by the State Treasurer on June 30, 2001, are hereby credited to
 1 each of the funds respectively. Expenditure of Revolving Funds
 2 appropriated in this act shall be limited to the amount shown by
 3 program except when specific exceptions are made. The amounts
 4 appropriated in this act include the following funds:

5 (1) Governor: Governor's Policy Research Office
 6 Revolving Fund;

7 (2) Secretary of State: Records Management Micrographics

8 Services Revolving Fund;
 9 (3) Attorney General: Justice Revolving Fund;
 10 (4) State Department of Education: State Department of
 11 Education Revolving Fund;
 12 (5) Department of Revenue: Miscellaneous Services
 13 Revolving Fund;
 14 (6) Department of Agriculture: Management Services
 15 Expense Revolving Fund;
 16 (7) Department of Health and Human Services Finance and
 17 Support: University of Nebraska Medical Center Medical Education
 18 Revolving Fund;
 19 (8) Department of Correctional Services: Correctional
 20 Industries Revolving Fund, Federal Surplus Property Fund,
 21 Department of Correctional Services Warehouse Revolving Fund;
 22 ~~(8)~~ (9) Nebraska state colleges: The money accruing to
 23 the Auxiliary Enterprise Revolving Funds for student activity fees,
 24 dormitory rentals, dormitory operations and maintenance, cafeteria
 25 operations, and student union operations at Chadron, Peru, and
 26 Wayne State Colleges, and the State College Capital Improvement
 27 Fund;
 1 ~~(9)~~ (10) University of Nebraska: University of
 2 Nebraska-Lincoln Revolving Fund, University of Nebraska at Omaha
 3 Revolving Fund, University of Nebraska Medical Center Revolving
 4 Fund, University of Nebraska Medical Center Medical Education
 5 Revolving Fund, University of Nebraska at Kearney Revolving Fund,
 6 University Tractor Test Revolving Fund;
 7 ~~(10)~~ (11) Department of Administrative Services:
 8 Administration Revolving Fund, Materiel Division Revolving Fund,
 9 Telephone Expense Revolving Fund, Transportation Services Bureau
 10 Revolving Fund, Capitol Buildings Parking Revolving Fund, State
 11 Building Revolving Fund, Central Stores Revolving Fund, State
 12 Surplus Property Revolving Fund, Data Processing Revolving Fund,
 13 Temporary Employee Pool Revolving Fund, State Insurance Fund, State
 14 Self-Insured Property Fund, State Self-Insured Indemnification and
 15 Liability Fund, Accounting Division Revolving Fund,
 16 Intergovernmental Data Services Program Revolving Fund, State
 17 Workers' Compensation Claims Revolving Fund, Personnel Revolving
 18 Fund, Training Revolving Fund; and
 19 ~~(11)~~ (12) Nebraska Railway Council: Light-Density Rail
 20 Line Assistance Revolving Fund.
 21 Sec. 38. Laws 2002, Second Special Session, LB 2,
 22 section 83, is amended to read:
 23 Sec. 83. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN
 24 SERVICES FINANCE AND SUPPORT
 25 Program Number 348 - Medical Assistance
 26
 27 GENERAL FUND FY2001-02 FY2002-03
 1 CASH FUND 383,558,633 405,019,248
 2 CASH FUND 22,332,576 8,150,000
 22,332,576 20,450,000

3 FEDERAL FUND est.	700,519,408	708,542,516
4 PROGRAM TOTAL	<u>1,106,410,617</u>	<u>1,121,711,764</u>
5 PROGRAM TOTAL	<u>1,106,410,617</u>	<u>1,134,011,764</u>
6 SALARY LIMIT	-0-	-0-

7 The unexpended General Fund appropriation balance
8 existing on June 30, 2002, less \$735,426, is hereby reappropriated.

9 There is included in the appropriation to this program
10 for FY2001-02 \$383,558,633 General Funds, \$22,332,576 Cash Funds,
11 and \$700,519,408 Federal Funds estimate for state aid, which shall
12 only be used for such purpose. There is included in the
13 appropriation to this program for FY2002-03 \$405,019,248 General
14 Funds, ~~\$8,150,000~~ \$20,450,000 Cash Funds, and \$708,542,516 Federal
15 Funds estimate for state aid, which shall only be used for such
16 purpose.

17 There is included in the appropriation to this program
18 for FY2001-02 \$210,102 General Funds and \$426,569 Federal Funds
19 estimate to open ten additional beds for substance abuse treatment
20 for juvenile offenders at Hastings Regional Center. There is
21 included in the appropriation to this program for FY2002-03
22 \$210,102 General Funds and \$426,569 Federal Funds estimate to open
23 ten additional beds for substance abuse treatment for juvenile
24 offenders at Hastings Regional Center.

25 There is included in the appropriation to this program
26 for FY2001-02 \$11,485,983 Cash Funds from the unobligated balance
27 of the Nebraska Health Care Cash Fund which shall be used to match
1 available federal medicaid funding.

2 It is the intent of the Legislature that the Department
3 of Health and Human Services Finance and Support continue to
4 provide medicaid reimbursement of Indirect Medical Education (IME)
5 costs and Direct Medical Education (DME) costs and continue to
6 provide payments to disproportionate share hospitals (DSH)
7 according to the terms of the State Medical Assistance Plan in
8 effect as of the effective date of this act.

9 Further, it is the intent of the Legislature that the
10 Department of Health and Human Services Finance and Support report
11 to the Governor and the Legislature on or before January 3, 2003,
12 on the progress towards approval of an intergovernmental transfer
13 program to support the Direct Medical Education, Indirect Medical
14 Education, and disproportionate share hospitals reimbursement
15 formulas as currently authorized by the State Medical Assistance
16 Plan.

17 Sec. 40. Laws 2002, Second Special Session, LB 2,
18 section 92, is amended to read:

19 Sec. 92. AGENCY NO. 34 -- NEBRASKA LIBRARY COMMISSION
20 Program Number 302 - Library Development

21	FY2001-02	FY2002-03
22 GENERAL FUND	1,439,716	1,392,152
23 FEDERAL FUND est.	546,243	546,243
24 PROGRAM TOTAL	1,985,959	1,938,395

25 SALARY LIMIT -0- 20,625

26 The unexpended General Fund appropriation balance
27 existing on June 30, 2002, less \$1,572, is hereby reappropriated.

1 There is included in the appropriation to this program

2 for FY2001-02 \$767,716 General Funds and \$546,243 Federal Funds
3 estimate for state aid, which shall only be used for such purpose.

4 There is included in the appropriation to this program for
5 FY2002-03 \$748,152 General Funds and ~~\$546,243~~ \$520,720 Federal
6 Funds estimate for state aid, which shall only be used for such
7 purpose.

8 There is included in the appropriation to this program
9 for FY2001-02 \$672,000 General Funds to be allocated by the
10 Nebraska Library Commission for application toward goals of
11 achieving improved statewide library service, attaining adequate
12 state aid for all libraries, encouraging new and innovative library
13 service arrangements, and enabling libraries to acquire and use
14 information technology. There is included in the appropriation to
15 this program for FY2002-03 \$644,000 General Funds estimate to be
16 allocated by the Nebraska Library Commission for application toward
17 goals of achieving improved statewide library service, attaining
18 adequate state aid for all libraries, encouraging new and
19 innovative library service arrangements, and enabling libraries to
20 acquire and use information technology.".

21 2. On page 3, line 9, after the period insert:

22 "In order to facilitate the ongoing conversion from the
23 Nebraska Accounting System (NAS) to the Nebraska Information System
24 (NIS) and in order to facilitate the technical requirements of the
25 Nebraska Information System, the State Budget Administrator is
26 authorized to administratively replace any duplicate budget program
27 numbers and descriptions, as enacted by the Ninety-seventh
1 Legislature or the Ninety-eighth Legislature, for FY2002-03,
2 FY2003-04, or FY2004-05, with alternative and unique budget program
3 numbers, along with their applicable descriptions. The State
4 Budget Administrator, after consultation with the Accounting
5 Administrator and any state agencies impacted, may implement such
6 replacement budget program numbers and descriptions in the Nebraska
7 Information System at such time as is most expeditious and amenable
8 for the accounting and budget divisions of the Department of
9 Administrative Services, and for the state agencies involved. The
10 State Budget Administrator shall inform the Legislative Fiscal
11 Analyst of all such changes as they have been completed in the
12 Nebraska Information System."

13 3. On page 17, line 9, strike "20,607,594" and insert

14 "20,982,594"; in line 13 strike "21,640,063" and insert

15 "22,015,063"; and strikes lines 21 and 22.

16 4. On page 18, strike lines 11 through 14 and show the

17 old matter as stricken; in line 22 strike "14,186,579" and insert

18 "14,536,579"; in line 23 strike "1,152,365" and insert "1,202,365";

19 and in line 26 strike "15,340,583" and insert "15,740,583".

- 20 5. On page 20, reinstate the stricken material in lines
 21 17 and 18 and strike lines 19 and 20; and in line 26 strike
 22 "\$1,711,393" and insert "\$1,100,000".
 23 6. On page 32, lines 26 and 27, strike "7,219,284" and
 24 insert "7,184,284".
 25 7. On page 33, line 3, strike "section 133" and insert
 26 "sections 133 and 265"; in line 5 strike "87," and insert "83, 87,
 27 92,".
 1 8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 403. Placed on General File as amended.
 (Standing Committee amendment, AM1307, is printed separately and
 available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 404. Placed on General File as amended.
 Standing Committee amendment to LB 404:
 AM1387

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. APPROPRIATION LANGUAGE.
 4 There is hereby appropriated, for FY2003-04 and
 5 FY2004-05, the sums specified in this act, or so much as may be
 6 necessary, for the salaries and benefits of officers of the
 7 Nebraska state government.
 8 Sec. 2. DEFINITION OF APPROPRIATION PERIOD.
 9 For purposes of this act, FY2003-04 means the period
 10 beginning July 1, 2003, and ending June 30, 2004, and FY2004-05
 11 means the period beginning July 1, 2004, and ending June 30, 2005.
 12 Sec. 3. REAPPROPRIATION OF BALANCE, FY2003-04 to
 13 FY2004-05.
 14 In addition to the appropriations set forth in this act,
 15 there are hereby reappropriated all unexpended appropriation
 16 balances existing on June 30, 2004, for FY2004-05 to the respective
 17 agencies, programs, and funds in this act.
 18 Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.
 19 The definitions contained in the Nebraska Accounting
 20 System Manual, and any amendments thereto, on file with the Clerk
 21 of the Legislature are hereby adopted by the Legislature as the
 22 definitions for this act, except as provided in section 22 of this
 23 act.
 24 Sec. 5. DRAWING AND PAYING WARRANTS.
 1 The Director of Administrative Services shall draw
 2 warrants upon the proper fund in the state treasury for an amount
 3 not to exceed the appropriations set forth in this act upon
 4 presentation of proper documentation. The State Treasurer shall
 5 pay the warrants out of the appropriate funds.
 6 Sec. 6. AGENCY NO. 5 -- SUPREME COURT
 7 Program No. 3 - Supreme Court Judges' Salaries
 8 FY2003-04 FY2004-05

9 GENERAL FUND	946,856	955,271
10 PROGRAM TOTAL	946,856	955,271
11 SALARY LIMIT	834,933	834,933

12 Sec. 7. AGENCY NO. 5 -- SUPREME COURT

13 Program No. 4 - Court of Appeals Judges' Salaries

14	FY2003-04	FY2004-05

15 GENERAL FUND	778,736	786,461

16 PROGRAM TOTAL	778,736	786,461

17 SALARY LIMIT	679,874	679,874

18 Sec. 8. AGENCY NO. 5 -- SUPREME COURT

19 Program No. 5 - Retired Judges' Salaries

20	FY2003-04	FY2004-05

21 GENERAL FUND	25,000	25,000

22 PROGRAM TOTAL	25,000	25,000

23 SALARY LIMIT	25,000	25,000

24 The budget division of the Department of Administrative

25 Services is hereby authorized to transfer General Fund

26 appropriations among Programs 3, 4, 5, 6, and 7 within Agency 5,

27 upon written certification by the State Court Administrator that

1 excess appropriations are available and are necessary to pay

2 retired judges' salaries or are necessary to adjust for program

3 shortfalls in Agency 5, Programs 3, 4, 6, and 7. The Salary Limit

4 for Agency 5, Program 5, may be administratively increased for any

5 transfers made to Program 5 pursuant to this section.

6 Sec. 9. AGENCY NO. 5 -- SUPREME COURT

7 Program No. 6 - District and Juvenile Court Judges'

8 Salaries

9	FY2003-04	FY2004-05

10 GENERAL FUND	8,174,010	8,254,112

11 PROGRAM TOTAL	8,174,010	8,254,112

12 SALARY LIMIT	7,171,470	7,171,470

13 Sec. 10. AGENCY NO. 5 -- SUPREME COURT

14 Program No. 7 - County Court Judges' Salaries

15	FY2003-04	FY2004-05

16 GENERAL FUND	7,149,957	7,217,530

17 PROGRAM TOTAL	7,149,957	7,217,530

18 SALARY LIMIT	6,333,556	6,333,556

19 Sec. 11. AGENCY NO. 7 -- GOVERNOR

20 Program No. 2 - Salary - Governor

21	FY2003-04	FY2004-05

22 GENERAL FUND	109,453	111,070

23 PROGRAM TOTAL	109,453	111,070

24 SALARY LIMIT	85,000	85,000

25 Sec. 12. AGENCY NO. 8 -- LIEUTENANT GOVERNOR

26 Program No. 8 - Salary - Lieutenant Governor

27	FY2003-04	FY2004-05

1 GENERAL FUND	81,133	82,828

2 PROGRAM TOTAL	81,133	82,828

3 SALARY LIMIT	60,000	60,000

4 Sec. 13. AGENCY NO. 9 -- SECRETARY OF STATE

5 Program No. 9 - Salary - Secretary of State

6 FY2003-04 FY2004-05

7 GENERAL FUND 82,055 83,154

8 PROGRAM TOTAL 82,055 83,154

9 SALARY LIMIT 65,000 65,000

10 Sec. 14. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS

11 Program No. 10 - Salary - Auditor

12 FY2003-04 FY2004-05

13 GENERAL FUND 80,002 81,619

14 PROGRAM TOTAL 80,002 81,619

15 SALARY LIMIT 60,000 60,000

16 Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL

17 Program No. 11 - Attorney General's Salary

18 FY2003-04 FY2004-05

19 GENERAL FUND 99,806 101,926

20 PROGRAM TOTAL 99,806 101,926

21 SALARY LIMIT 75,000 75,000

22 Sec. 16. AGENCY NO. 12 -- STATE TREASURER

23 Program No. 12 - Salary - State Treasurer

24 FY2003-04 FY2004-05

25 GENERAL FUND 76,810 77,924

26 PROGRAM TOTAL 76,810 77,924

27 SALARY LIMIT 60,000 60,000

1 Sec. 17. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION

2 Program No. 14 - Salaries of Public Service Commissioners

3 FY2003-04 FY2004-05

4 GENERAL FUND 324,222 329,371

5 PROGRAM TOTAL 324,222 329,371

6 SALARY LIMIT 250,000 250,000

7 Sec. 18. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF
8 PAROLE

9 Program No. 320 - Board of Parole Salaries

10 FY2003-04 FY2004-05

11 GENERAL FUND 398,434 409,706

12 PROGRAM TOTAL 398,434 409,706

13 SALARY LIMIT 312,966 317,629

14 Sec. 19. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

15 Program No. 13 - Tax Commissioner

16 FY2003-04 FY2004-05

17 GENERAL FUND 109,282 111,241

18 PROGRAM TOTAL 109,282 111,241

19 SALARY LIMIT 91,155 92,514

20 It is the intent of the Legislature that if the
 21 appropriation or the salary limit is insufficient in this program
 22 to meet anticipated expenditures, the Tax Commissioner shall
 23 request additional funds or a higher salary limit, or both, from
 24 the Legislature by the usual deficit process. The appropriation or
 25 the salary limit shall not be administratively increased solely by

26 the Department of Administrative Services without legislative
27 authorization.

1 Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION
2 COURT

3 Program No. 526 - Judges' Salaries

4	FY2003-04	FY2004-05
5 CASH FUND	880,316	888,370
6 PROGRAM TOTAL	880,316	888,370
7 SALARY LIMIT	772,312	772,312

8 Sec. 21. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION
9 COURT

10 Program No. 635 - Retired and Acting Judges' Salaries

11	FY2003-04	FY2004-05
12 CASH FUND	55,267	55,267
13 PROGRAM TOTAL	55,267	55,267
14 SALARY LIMIT	51,339	51,339

15 Sec. 22. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

16 (1) As used in this act:

17 (a) SALARY LIMIT means total expenditures for permanent
18 and temporary salaries and per diems; and

19 (b) Total expenditures for permanent and temporary
20 salaries and per diems means all remuneration paid to employees
21 treated as taxable compensation by the Internal Revenue Service or
22 subject to social security coverage, specifically including
23 payments accounted for as vacation, holidays, sick leave, military
24 leave, funeral leave, maternity leave, administrative leave,
25 compensatory time, deferred compensation, or any other similar
26 form, and amounts withheld pursuant to law, but excluding state
27 contributions for social security, retirement, and employee

1 insurance plans.

2 (2) Total expenditures for permanent and temporary
3 salaries and per diems are limited to the amount provided by law
4 for constitutional officers.

5 (3) The limitation on expenditures for permanent and
6 temporary salaries and per diems for FY2004-05 shall be increased
7 by amounts encumbered from FY2003-04 for permanent and temporary
8 salaries and per diems. Encumbered amounts shall be calculated in
9 accordance with section 81-138.01.

10 Sec. 23. This act becomes operative on July 1, 2003.

11 Sec. 24. Since an emergency exists, this act takes
12 effect when passed and approved according to law."

LEGISLATIVE BILL 405. Placed on General File.

LEGISLATIVE BILL 406. Placed on General File as amended.

Standing Committee amendment to LB 406:

AM1386

1. Strike original sections 8, 13, 37, and 40 and insert
- 2 the following new sections:

3 "Sec. 8. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 Program No. 922 - Veterans' Home - Douglas County

6	FY2003-04	FY2004-05	FUTURE
7 NEBRASKA CAPITAL			
8 CONSTRUCTION FUND	5,727,707	-0-	-0-
9 FEDERAL FUND est.	9,545,357	-0-	-0-
10 PROGRAM TOTAL	15,273,064	-0-	-0-

11 The Department of Health and Human Services is hereby
12 authorized to construct a new veterans' home in Douglas County with
13 the appropriation to this program. The total cost of this project
14 from the Nebraska Capital Construction Fund and federal funding
15 sources shall not exceed \$15,273,064.

16 There is included in the appropriation to this program
17 for FY2003-04 \$5,727,707 from the Nebraska Capital Construction
18 Fund and an estimated \$9,545,357 from federal funds to initiate and
19 complete the project.

20 The Nebraska Capital Construction Funds appropriated to
21 this project may be used as a match for available federal or other
22 funds. Nothing in this section shall be construed so as to
23 prohibit the use of any private, local, or internally reallocated
24 funds as a match for any available federal or other funds.

1 Sec. 13. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

2 Program No. 902 - Trail Development Assistance

3	FY2003-04	FY2004-05	FUTURE
4 CASH FUND	140,000	140,000	-0-
5 PROGRAM TOTAL	140,000	140,000	-0-

6 The Game and Parks Commission is hereby authorized to
7 carry out the provisions of the Trail Development Assistance Act
8 with the funds appropriated from the Trail Development Assistance
9 Fund in this section.

10 Sec. 37. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
11 SERVICES

12 Program No. 901 - State Capitol Improvements

13	FY2003-04	FY2004-05	FUTURE
14 STATE BUILDING FUND	500,000	500,000	3,000,000
15 PROGRAM TOTAL	500,000	500,000	3,000,000

16 (1) The Department of Administrative Services is hereby
17 authorized to undertake projects identified within the Master Plan
18 for the Conservation and Restoration of the Nebraska State Capitol.
19 Prior to expending any amounts appropriated in this section, the
20 department shall identify projects planned to be undertaken with
21 such amounts and shall submit such plans to the Nebraska Capitol
22 Commission for review.

23 (2) In addition to amounts appropriated in this section
24 for FY2003-04 and FY2004-05, it is intended that \$500,000 be
25 appropriated from the State Building Fund for this program for
26 FY2005-06 and each fiscal year thereafter through FY2010-11.

27 Sec. 40. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE

23 "For FY2003-04 and FY2004-05, upon the approval of the
24 Nebraska Educational Telecommunications Commission and the budget
25 division of the Department of Administrative Services, the Nebraska
26 Educational Telecommunications Commission may expend an amount not
27 to exceed \$185,000 from the State Building Fund, from Program 901,
1 to help offset the operating costs associated with the activation
2 of digital television."
3 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 407. Placed on General File as amended.
(Standing Committee amendment, AM1111, is printed separately and
available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 408. Placed on General File as amended.
(Standing Committee amendment, AM1388, is printed separately and
available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 410. Placed on General File as amended.
(Standing Committee amendment, AM1347, is printed separately and
available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 415. Placed on General File.

LEGISLATIVE BILL 424. Placed on General File as amended.
Standing Committee amendment to LB 424:
AM1389

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. The Treasury Management Cash Fund is
4 created. A pro rata share of the budget appropriated for the
5 treasury management functions of the State Treasurer shall be
6 charged to the income of each fund held in invested cash, and such
7 charges shall be transferred to the Treasury Management Cash Fund.
8 The allocation of charges may be made by any method determined to
9 be reasonably related to actual costs incurred by the State
10 Treasurer in carrying out the treasury management functions under
11 section 84-602. Approval of the agencies, boards, and commissions
12 administering these funds shall not be required.
13 It is the intent of this section to have funds held in
14 invested cash be charged a pro rata share of the treasury
15 management expense when this is not prohibited by statute or the
16 Constitution of Nebraska.
17 Transfers may be made from the Treasury Management Cash
18 Fund to the General Fund at the direction of the Legislature. Any
19 money in the Treasury Management Cash Fund available for investment
20 shall be invested by the state investment officer pursuant to the
21 Nebraska Capital Expansion Act and the Nebraska State Funds
22 Investment Act.
23 Sec. 2. All intangible personal property distributable

24 in the course of a demutualization or related reorganization of a
1 life insurance corporation that remains unclaimed is presumed
2 abandoned two years after the date of the distribution of the
3 property.

4 Sec. 3. Section 69-1310, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 69-1310. (a) Every person holding funds or other
7 property, tangible or intangible, presumed abandoned under the
8 Uniform Disposition of Unclaimed Property Act shall report to the
9 State Treasurer with respect to the property as hereinafter
10 provided.

11 (b) The report shall be verified and shall include:

12 (1) Except with respect to traveler's checks and money
13 orders, the name, if known, and last-known address, if any, of each
14 person appearing from the records of the holder to be the owner of
15 any property presumed abandoned under the act;

16 (2) In case of unclaimed funds of life insurance
17 corporations, the full name of the insured or annuitant and his or
18 her last-known address according to the life insurance
19 corporation's records;

20 (3) The nature and identifying number, if any, or
21 description of the property and the amount appearing from the
22 records to be due, except that items of less than twenty-five
23 dollars may be reported in the aggregate;

24 (4) The date when the property became payable,
25 demandable, or returnable, and the date of the last transaction
26 with the owner with respect to the property; and

27 (5) Other information which the State Treasurer may
1 prescribe by rule as necessary for the administration of the act.

2 (c) If the person holding property presumed abandoned is
3 a successor to other persons who previously held the property for
4 the owner, or if the holder has changed his or her name while
5 holding the property, he or she shall file with his or her report
6 all prior known names and addresses of each holder of the property.

7 (d) The report shall be filed before November 1 of each
8 year as of June 30 next preceding, but the report of life insurance
9 corporations shall be filed before May 1 of each year as of
10 December 31 next preceding. A one-time supplemental report shall
11 be filed by life insurance corporations with regard to property

12 subject to section 2 of this act before November 1, 2003, as of
13 December 31, 2002, as if section 2 of this act had been in effect
14 before January 1, 2003. The property must accompany the report
15 unless excused by the State Treasurer for good cause. The State
16 Treasurer may postpone the reporting date upon written request by
17 any person required to file a report.

18 (e) If the holder of property presumed abandoned under
19 the act knows the whereabouts of the owner and if the owner's claim
20 has not been barred by the statute of limitations, the holder
21 shall, before filing the annual report, communicate with the owner

22 and take necessary steps to prevent abandonment from being
23 presumed. The holder shall exercise due diligence to ascertain the
24 whereabouts of the owner.

25 (f) Verification, if made by a partnership, shall be
26 executed by a partner; if made by a limited liability company, by a
27 member; if made by an unincorporated association or private
1 corporation, by an officer; and if made by a public corporation, by
2 its chief fiscal officer.

3 Sec. 4. Section 69-1317, Revised Statutes Supplement,
4 2002, is amended to read:

5 69-1317. (a)(1) All Except as otherwise provided in this
6 subdivision, all funds received under the Uniform Disposition of
7 Unclaimed Property Act, including the proceeds from the sale of
8 abandoned property under section 69-1316, shall be deposited by the
9 State Treasurer in a separate trust fund from which he or she shall
10 make prompt payment of claims allowed pursuant to the act and
11 payment of any auditing expenses associated with the receipt of
12 abandoned property. All funds received under section 2 of this act
13 shall be deposited by the State Treasurer in a separate life
14 insurance corporation demutualization trust fund, which is hereby
15 created, from which he or she shall make prompt payment of claims
16 regarding such funds allowed pursuant to the act. Transfers from
17 the separate life insurance corporation demutualization trust fund
18 to the General Fund may be made at the direction of the
19 Legislature. Before making the deposit he or she shall record the
20 name and last-known address of each person appearing from the
21 holders' reports to be entitled to the abandoned property, the name
22 and last-known address of each insured person or annuitant, and
23 with respect to each policy or contract listed in the report of a
24 life insurance corporation, its number, the name of the
25 corporation, and the amount due. The record shall be available for
26 public inspection during business hours.

27 The record shall not be subject to public inspection or
1 available for copying, reproduction, or scrutiny by commercial or
2 professional locators of property presumed abandoned who charge any
3 service or finders' fee until twenty-four months after the names
4 from the holders' reports have been published or officially
5 disclosed.

6 A professional finders' fee shall be limited to ten
7 percent of the total amount of the property presumed abandoned. To
8 claim any such fee, the nature and location of the property must be
9 disclosed to the claimant by the finder.

10 (2) The unclaimed property records of the State
11 Treasurer, the unclaimed property reports of holders, and the
12 information derived by an unclaimed property examination or audit
13 of the records of a person or otherwise obtained by or communicated
14 to the State Treasurer may be withheld from the public. Any record
15 or information that may be withheld under the laws of this state or
16 of the United States when in the possession of such a person may be

17 withheld when revealed or delivered to the State Treasurer. Any
18 record or information that is withheld under any law of another
19 state when in the possession of that other state may be withheld
20 when revealed or delivered by the other state to the State
21 Treasurer.

22 Information withheld from the general public concerning
23 any aspect of unclaimed property shall only be disclosed to an
24 apparent owner of the property, or to the escheat, unclaimed, or
25 abandoned property administrators or officials of another state if
26 that other state accords substantially reciprocal privileges to the
27 State Treasurer.

1 (b)(1) On or after October 6, 1992, the State Treasurer
2 shall periodically transfer any balance in excess of an amount not
3 to exceed five hundred thousand dollars from the separate trust
4 fund to the General Fund no less frequently than on or before
5 November 1 and May 1 of each year, except that the total amount of
6 all such transfers shall not exceed five million dollars.

7 (2)(i) On the next succeeding November 1 after five
8 million dollars has been transferred to the General Fund in the
9 manner described in subdivision (b)(1) of this section or (ii) on
10 November 1, 1996, whichever occurs first, and on or before November
11 1 of each year thereafter, the State Treasurer shall transfer any
12 balance in excess of an amount not to exceed five hundred thousand
13 dollars from the separate trust fund to the permanent school fund.

14 (3) On July 15, 2003, the State Treasurer shall transfer
15 two hundred thousand dollars from the separate trust fund to the
16 General Fund. On September 15, 2004, the State Treasurer shall
17 transfer five hundred thousand dollars from the separate trust fund
18 to the General Fund.

19 (c) Before making any deposit to the credit of the
20 permanent school fund or the General Fund, the State Treasurer may
21 deduct (1) any costs in connection with sale of abandoned property,
22 (2) any costs of mailing and publication in connection with any
23 abandoned property, and (3) reasonable service charges and place
24 such funds in the Unclaimed Property Cash Fund which is hereby
25 created. Transfers from the fund to the General Fund may be made
26 at the direction of the Legislature. Any money in the Unclaimed
27 Property Cash Fund available for investment shall be invested by

1 the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.

3 Sec. 5. Section 69-1329, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 69-1329. Sections 69-1301 to 69-1329 and section 2 of
6 this act may be cited as the Uniform Disposition of Unclaimed
7 Property Act.

8 Sec. 6. Section 81-1120, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1120. (1) There is hereby created the Materiel
11 Division Revolving Fund. The fund shall be administered by the

12 materiel division of the Department of Administrative Services.
13 The fund shall consist of (a) fees paid for printing, copying,
14 central supply, and mailing services provided to state agencies and
15 local subdivisions by the division and (b) assessments charged by
16 the materiel administrator to state agencies, boards, and
17 commissions for purchasing services provided by the division. Such
18 assessments shall be adequate to cover actual and necessary
19 expenses associated with providing the service. The fund shall be
20 used to pay for expenses incurred by the division to provide such
21 services.

22 (2) State agencies, boards, and commissions shall make
23 the materiel division assessment payments to the fund no later than
24 August 1 of each year, or in four equal payments to be made no
25 later than August 1, October 1, February 1, and April 1 of each
26 year, at the discretion of the materiel administrator.

27 (3) Any money in the fund available for investment shall
1 be invested by the state investment officer pursuant to the
2 Nebraska Capital Expansion Act and the Nebraska State Funds
3 Investment Act.

4 Sec. 7. This act becomes operative on July 1, 2003.

5 Sec. 8. Original sections 69-1310, 69-1329, and 81-1120,
6 Reissue Revised Statutes of Nebraska, and section 69-1317, Revised
7 Statutes Supplement, 2002, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect
9 when passed and approved according to law."

LEGISLATIVE BILL 440. Placed on General File as amended.

Standing Committee amendment to LB 440:

AM1414

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 77-2602, Revised Statutes

4 Supplement, 2002, 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, sixty-four cents per
12 package until October 1, 2004, and thirty-four cents per package
13 commencing October 1, 2004; and on packages containing more than
14 twenty cigarettes, the same tax as provided on packages containing
15 not more than twenty cigarettes for the first twenty cigarettes in
16 each package and a tax of one-twentieth of the tax on the first
17 twenty cigarettes on each cigarette in excess of twenty cigarettes
18 in each package. Commencing July 1, 1994, and continuing until
19 ~~July 1, 2009~~ July 1, 2005, the State Treasurer shall place the
20 equivalent of twenty-one cents of such tax less three million

21 dollars each fiscal year of proceeds of such tax in the General
22 Fund. Commencing ~~July 1, 2009~~ July 1, 2005, the State Treasurer
23 shall place the equivalent of twenty-one cents of such tax in the
24 General Fund. For purposes of this section, the equivalent of a
1 specified number of cents of the tax shall mean that portion of the
2 proceeds of the tax equal to the specified number divided by the
3 tax rate per package of cigarettes containing not more than twenty
4 cigarettes. The State Treasurer shall distribute the remaining
5 proceeds of such tax in the following order:
6 (a) First, beginning July 1, 1980, the State Treasurer
7 shall place the equivalent of one cent of such tax in the Nebraska
8 Outdoor Recreation Development Cash Fund. For fiscal year
9 distributions occurring after FY1998-99, the distribution under
10 this subdivision shall not be less than the amount distributed
11 under this subdivision for FY1997-98. Any money needed to increase
12 the amount distributed under this subdivision to the FY1997-98
13 amount shall reduce the distribution to the General Fund;
14 (b) Second, beginning July 1, 1993, the State Treasurer
15 shall place the equivalent of three cents of such tax in the
16 Department of Health and Human Services Finance and Support Cash
17 Fund to carry out sections 81-637 to 81-640. For fiscal year
18 distributions occurring after FY1998-99, the distribution under
19 this subdivision shall not be less than the amount distributed
20 under this subdivision for FY1997-98. Any money needed to increase
21 the amount distributed under this subdivision to the FY1997-98
22 amount shall reduce the distribution to the General Fund;
23 (c) Third, beginning July 1, 2001, and continuing until
24 October 1, 2002, the State Treasurer shall place the equivalent of
25 five cents of such tax in the Building Renewal Allocation Fund.
26 Beginning October 1, 2002, and continuing until October 1, 2004,
27 the State Treasurer shall place the equivalent of seven cents of
1 such tax in the Building Renewal Allocation Fund. Beginning
2 October 1, 2004, and continuing until all the purposes of the
3 Deferred Building Renewal Act have been fulfilled, the State
4 Treasurer shall place the equivalent of five cents of such tax in
5 the Building Renewal Allocation Fund. The Legislature shall
6 appropriate each fiscal year all sums inuring to the fund, plus
7 interest earnings for the Task Force for Building Renewal to be
8 used to carry out its duties and to fulfill the purposes of the
9 Deferred Building Renewal Act. Unexpended balances existing at the
10 end of each fiscal year shall be, and are hereby, reappropriated.
11 For fiscal year distributions occurring after FY1998-99, the
12 distribution under this subdivision shall not be less than
13 five-sevenths of the amount distributed under this subdivision for
14 FY1997-98. Any money needed to increase the amount distributed
15 under this subdivision to five-sevenths of the FY1997-98 amount
16 shall reduce the distribution to the General Fund;
17 (d) Fourth, until October 1, 2002, and beginning on
18 October 1, 2004, the State Treasurer shall place the difference

19 between the equivalent of thirteen cents of such tax and the sum of
20 the amounts distributed pursuant to subdivisions (a) through (c)
21 and (f) through (h) of this subsection in a special fund to be
22 known as the Nebraska Capital Construction Fund. Beginning October
23 1, 2002, and continuing until October 1, 2004, the State Treasurer
24 shall place the difference between the equivalent of forty-three
25 cents of such tax and the sum of the amounts distributed pursuant
26 to subdivisions (a) through (c) and (f) through (i) of this
27 subsection in the Nebraska Capital Construction Fund;

1 (e) Fifth, beginning July 1, 1994, and continuing until
2 ~~July 1, 2009~~, July 1, 2005, the State Treasurer shall place in the
3 Municipal Infrastructure Redevelopment Fund the sum of three
4 million dollars each fiscal year to carry out the Municipal
5 Infrastructure Redevelopment Fund Act. The Legislature shall
6 appropriate the sum of three million dollars each year for fiscal
7 year 1994-95 through fiscal year ~~2008-09~~ 2004-05;

8 (f) Sixth, beginning July 1, 2001, the State Treasurer
9 shall place the equivalent of two cents of such tax in the
10 Information Technology Infrastructure Fund;

11 (g) Seventh, beginning July 1, 2001, and continuing until
12 June 30, 2016, the State Treasurer shall place one million dollars
13 each fiscal year in the City of the Primary Class Development Fund.
14 If necessary, the State Treasurer shall reduce the distribution of
15 tax proceeds to the General Fund pursuant to this subsection by
16 such amount required to fulfill the one million dollars to be
17 distributed pursuant to this subdivision;

18 (h) Eighth, beginning July 1, 2001, and continuing until
19 June 30, 2016, the State Treasurer shall place one million five
20 hundred thousand dollars each fiscal year in the City of the
21 Metropolitan Class Development Fund. If necessary, the State
22 Treasurer shall reduce the distribution of tax proceeds to the
23 General Fund pursuant to this subsection by such amount required to
24 fulfill the one million five hundred thousand dollars to be
25 distributed pursuant to this subdivision; and

26 (i) Ninth, beginning October 1, 2002, and continuing
27 until October 1, 2004, the State Treasurer shall place the
1 equivalent of twenty-eight cents of such tax in the Cash Reserve
2 Fund.

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, (h) the
 27 City of the Metropolitan Class Development Fund, and (i) the Cash
 1 Reserve Fund shall not be made a higher priority than or an equal
 2 priority to any of the programs or projects specified in
 3 subdivisions (a) through (i) of this subsection.
 4 Sec. 2. Original section 77-2602, Revised Statutes
 5 Supplement, 2002, is repealed."

LEGISLATIVE BILL 798. Placed on General File as amended.

Standing Committee amendment to LB 798:

AM1430

- 1 1. On page 2, line 25, after "On" insert "or before".
- 2 2. On page 3, after line 8 insert the following new
- 3 subsections:
- 4 "(9) The State Treasurer, at the direction of the budget
- 5 administrator of the budget division of the Department of
- 6 Administrative Services, shall transfer not to exceed five million
- 7 seven hundred twenty seven thousand seven hundred seven dollars in
- 8 total from the Cash Reserve Fund to the Nebraska Capital
- 9 Construction Fund between July 1, 2003, and June 30, 2007.
- 10 (10) The State Treasurer, at the direction of the budget
- 11 administrator, shall transfer an amount equal to the total amount
- 12 transferred pursuant to subsection (9) of this section from the
- 13 General Fund to the Cash Reserve Fund on or before June 30, 2008.".

(Signed) Roger R. Wehrbein, Chairperson

SELECT FILE

LEGISLATIVE BILL 265. Senator Chambers renewed his pending motion, found on page 1328, to recommit to the Judiciary Committee.

Senators Landis, McDonald, D. Pederson, and Stuthman asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Combs moved the previous question. The question is, "Shall the debate now close?"

Senator Combs moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 6 nays, and 18 not voting.

Senator Chambers withdrew his motion to recommit to the Judiciary Committee.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Member Excused

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

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 303:
FA1336
Strike Section 1.

Senator Beutler filed the following amendment to LB 210:
FA1337
Strike Section 1.

Senator Bromm filed the following amendment to LB 210:
AM1180

(Amendments to E & R amendments, AM7098)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 48-103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-103. If an employer, ~~as defined in section 48-106, in~~
- 5 the occupations described in section 48-106 does not carry a policy
- 6 of workers' compensation insurance nor qualify as a self-insurer
- 7 or, in the case of an employer who is a lessor of one or more
- 8 commercial motor vehicles leased to a self-insured motor carrier,
- 9 is not a party to an effective agreement pursuant to section
- 10 48-115.02, he or she loses the right to interpose the three
- 11 defenses mentioned in section 48-102 in any action brought against
- 12 him or her for personal injury or death of an employee."
- 13 2. On page 7, line 14, strike "section" and insert
- 14 "sections 48-103 and".
- 15 3. Renumber the remaining sections accordingly.

Senators Byars, Schimek, and Thompson filed the following amendment to

LB 303:

AM1420

(Amendments to E & R amendments, AM7100)

- 1 1. On page 4, lines 24 through 27, strike the new
- 2 matter; and in line 25 after "dollars" insert "prior to the
- 3 operative date of this section, thirty-one dollars beginning on the
- 4 operative date of this section until July 1, 2003, thirty-six
- 5 dollars beginning on July 1, 2003, until January 1, 2005, and
- 6 thirty-three dollars beginning on and after January 1, 2005.
- 7 Beginning on the operative date of this section, the State
- 8 Treasurer shall credit twenty-five dollars of each motorcycle
- 9 registration fee to the State Trauma System Cash Fund".

Senator Chambers filed the following amendments to LB 265:

AM1508

(Amendments to AM0003)

- 1 1. Insert the following new section:
- 2 "Sec. 8. It shall be unlawful for any permitholder to
- 3 carry a concealed handgun without having a current and effective
- 4 concealed handgun liability insurance policy as provided in this
- 5 section. Any permitholder who carries a concealed weapon in
- 6 violation of this section shall be guilty of a Class I misdemeanor
- 7 and upon conviction shall have his or her permit revoked. The
- 8 handgun shall be seized and held as evidence.
- 9 (2) A permitholder who is unable to produce a current and
- 10 effective concealed handgun liability insurance policy or proof of
- 11 such policy upon request of a peace officer who has made contact
- 12 with such permitholder shall be allowed ten days after the date of
- 13 the request to produce proof to the appropriate prosecutor or
- 14 county attorney that a current and effective concealed handgun
- 15 liability insurance policy was in existence at the time of such
- 16 request. Upon presentation of such proof, the citation shall be
- 17 dismissed by the prosecutor or county attorney without cost to the
- 18 permitholder and no prosecution for the offense cited shall occur.
- 19 (3) Proof of such concealed handgun liability insurance
- 20 policy shall be provided by the written certificate of any
- 21 insurance carrier, duly authorized to do business in this state,
- 22 certifying that there is in effect a concealed handgun liability
- 23 insurance policy for the benefit of the person required to furnish
- 1 proof of such a policy. Such certificate shall give the effective
- 2 date of such policy.
- 3 (4) No such concealed handgun liability insurance policy
- 4 shall be effective under this section unless issued by an insurance
- 5 company authorized to do business in this state. Every such policy
- 6 is subject, if use of the handgun has resulted in bodily injury,
- 7 sickness, disease, or death, to a limit, exclusive of interest and
- 8 costs, of not less than one hundred thousand dollars because of
- 9 bodily injury to or death of any person in any one incident and, if
- 10 the incident has resulted in injury to or destruction of property,

11 to a limit of not less than twenty-five thousand dollars because of
12 injury to or destruction of property of others in any one
13 incident.".

14 2. Renumber the remaining sections and correct internal
15 references accordingly.

AM1509

(Amendments to AM0003)

1 1. On page 1, line 7, after the period insert "A peace
2 officer or Game and Parks Commission Conservation officer, when
3 making contact with a permitholder, shall be in uniform and shall
4 declare to the permitholder his or her official status or position
5 of authority.".

AM1514

(Amendments to AM0003)

1 1. On page 1, line 7, after the period insert "A
2 permitholder shall produce his or her permit and a Nebraska-issued
3 operator's license or Nebraska-issued state identification card
4 when asked to do so by a peace officer, conservation officer, or
5 emergency services personnel during a contact.".

AM1510

(Amendments to AM0003)

1 1. On page 1, line 12, strike "it" and insert "securing
2 the handgun"; in line 15 strike "submit to" and insert "comply
3 with"; in line 16 strike the last occurrence of "to" and insert
4 "comply with"; and in line 17 strike "from" and insert "of".

AM1511

(Amendments to AM0003)

1 1. On page 1, line 22, after "violation" insert "known
2 to the peace officer".

AM1512

(Amendments to AM0003)

1 1. On page 2, lines 1 and 2, strike "releasing him or
2 her from the scene and breaking contact" and insert "allowing the
3 permitholder to leave".

AM1513

(Amendments to AM0003)

1 1. On page 2, line 6, after "of" insert "safely"; in
2 line 7 after the first occurrence of "handgun" insert "in
3 accordance with the requirements of the Concealed Handgun Permit
4 Act"; in lines 8 and 9 strike "releasing him or her from the scene
5 and breaking contact" and insert "allowing the permitholder to
6 leave"; and in line 11 after both occurrences of "officer" insert
7 "in uniform".

AM1515

(Amendments to AM0003)

- 1 1. On page 2, line 11, after the period insert "The
2 peace officer shall provide a dated receipt which includes the
3 make, model, caliber, and serial number of the handgun, the
4 location of the sheriff's office in the county where the handgun is
5 received by the peace officer, and where the handgun shall be
6 deposited by the peace officer. When the permitholder produces the
7 receipt, the handgun shall be returned to the permitholder.".

AM1516

(Amendments to AM0003)

- 1 1. On page 2, line 13, after "(a)" insert "Conservation
2 officer means a Game and Parks Commission conservation officer who
3 is in uniform and on property that is under the jurisdiction of the
4 commission, which includes any public road, street, or highway
5 passing through or adjacent to such property;
6 (b)"; and in line 20 strike "(b)" and insert "(c)".

AM1517

(Amendments to AM0003)

- 1 1. Insert the following new amendment:
2 "3. In the Standing Committee amendments, AM0768, on
3 page 9, line 5, after the period insert 'If a permitholder fails to
4 produce a Nebraska-issued operator's license or Nebraska-issued
5 state identification card when asked to do so by a peace officer,
6 the peace officer shall take possession of the handgun and provide
7 a dated receipt which includes the make, model, caliber, and serial
8 number of the handgun, the location of the sheriff's office in the
9 county where the handgun is received by the peace officer, and
10 where the handgun shall be deposited by the peace officer. When
11 the permitholder produces a Nebraska-issued operator's or
12 Nebraska-issued state identification card, the handgun shall be
13 returned to the permitholder.".
14 2. Renumber the remaining amendment accordingly.

AM1518

(Amendments to AM0003)

- 1 1. Insert the following new amendment:
2 "3. In the Standing Committee amendments, AM 0768, on
3 page 15, line 3, strike '2004' and insert '3004'.
4 2. Renumber the remaining amendment accordingly.

Senator Smith filed the following amendment to LB 303:

AM1289

(Amendments to E & R amendments, AM7100)

- 1 1. On page 16, strike beginning with "prior" in line 22
2 through "Act" in line 25 and insert "a motorcycle safety course

3 under the Motorcycle Safety Education Act completed prior to
 4 January 1, 2005, or (ii) a motorcycle safety course under the
 5 Motorcycle Safety and Training Act completed on or after January 1,
 6 2005".

7 2. On page 17, strike beginning with "For" in line 3
 8 through line 6; in line 10 after the period insert "Such proof of
 9 insurance shall be available for inspection upon demand of any law
 10 enforcement officer."; and after line 15 insert the following new
 11 subsection:

12 "(5) For purposes of this section, eye protection means
 13 glasses, a protective face shield attached to a protective helmet,
 14 goggles, or a windshield on the motorcycle that rises a minimum of
 15 fifteen inches above the handlebar.".

16 3. On page 19, line 6, strike "director" and insert
 17 "department".

18 4. On page 20, line 23, strike "director", show as
 19 stricken, and insert "Department of Motor Vehicles".

20 5. On page 25, line 10, strike "Director" and insert
 21 "Department"; and in line 14 strike "director", show as stricken,
 22 and insert "department".

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 265:

Recommit to the Judiciary Committee with instructions to review the bill, all amendments and pending amendments, and to redraft the bill in the manner the committee deems appropriate and to make a report to the Legislature within 15 days after the date the committee takes possession of the bill.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on April 25, 2003, summarizing the recommended appropriations for the following biennium.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 97.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-3,127, Reissue Revised Statutes of Nebraska, and section 14-3,107, Revised Statutes Supplement, 2002; to authorize the vacation of minimal secondary rights-of-way as prescribed; to define a term; 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, 39:

Aguilar	Connealy	Janssen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Preister	Synowiecki
Brown	Engel	Kremer	Price	Thompson
Burling	Erdman	Kruse	Quandahl	Tyson
Byars	Foley	Landis	Raikes	Vrtiska
Chambers	Friend	Maxwell	Schimek	Wehrbein
Combs	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Bourne	Bromm	Louden

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 118.

A BILL FOR AN ACT relating to deceptive trade practices; to amend section 87-302, Reissue Revised Statutes of Nebraska; to prohibit practices regarding privacy policies; 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:

Aguilar	Chambers	Hudkins	Mines	Schrock
Baker	Combs	Janssen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Preister	Synowiecki
Bromm	Engel	Kremer	Price	Thompson
Brown	Erdman	Kruse	Quandahl	Tyson
Burling	Foley	Landis	Raikes	Vrtiska
Byars	Friend	Maxwell	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 8:

Brashear	Hartnett	McDonald	Redfield
Connealy	Jensen	Pederson, D.	Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1244, 72-1248, 72-1252, 72-1254, 72-1258, and 83-133, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the investment of state funds; to provide and change powers and duties of the state investment officer; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-1253, 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, 41:

Aguilar	Combs	Johnson	Pedersen, Dw.	Synowiecki
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kremer	Price	Tyson
Bourne	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Louden	Schimek	
Burling	Friend	Maxwell	Schrock	
Byars	Hudkins	Mines	Smith	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Excused and not voting, 8:

Brashear	Hartnett	McDonald	Redfield
Connealy	Jensen	Pederson, D.	Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Supplement, 2002; to redefine a term; 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:

Aguilar	Combs	Johnson	Pedersen, Dw.	Synowiecki
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kremer	Price	Tyson
Bourne	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Louden	Schimek	
Burling	Friend	Maxwell	Schrock	
Byars	Hudkins	Mines	Smith	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Excused and not voting, 8:

Brashear	Hartnett	McDonald	Redfield
Connealy	Jensen	Pederson, D.	Stuthman

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 cities of the metropolitan class; to amend section 14-548, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals of special assessments; 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, 41:

Aguilar	Combs	Johnson	Pedersen, Dw.	Synowiecki
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kremer	Price	Tyson
Bourne	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Louden	Schimek	
Burling	Friend	Maxwell	Schrock	
Byars	Hudkins	Mines	Smith	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Excused and not voting, 8:

Brashear	Hartnett	McDonald	Redfield
Connealy	Jensen	Pederson, D.	Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to accountants; to amend section 1-135, Reissue Revised Statutes of Nebraska; to change provisions relating to managers of accounting offices; 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:

Aguilar	Combs	Johnson	Pedersen, Dw.	Synowiecki
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kremer	Price	Tyson
Bourne	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Louden	Schimek	
Burling	Friend	Maxwell	Schrock	
Byars	Hudkins	Mines	Smith	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Excused and not voting, 8:

Brashear	Hartnett	McDonald	Redfield
Connealy	Jensen	Pederson, D.	Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 307.

A BILL FOR AN ACT relating to state employees; to amend sections 81-1347, 81-1347.01, and 81-1354, Reissue Revised Statutes of Nebraska; to change provisions relating to the employee suggestion system; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 349.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1449 and 49-1495, Revised Statutes Supplement, 2002; to change provisions relating to statements of organization for certain committees; to eliminate a filing requirement; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 354.

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.

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	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kremer	Price	Tyson
Bourne	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	
Combs	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 444 with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 444.

A BILL FOR AN ACT relating to petitions; to amend sections 18-2515, 32-629, 32-630, 32-631, 32-1301, 32-1404, and 32-1546, Reissue Revised Statutes of Nebraska, and sections 31-787, 31-788, 32-554, 32-628, 32-1303, and 32-1304, Revised Statutes Supplement, 2002; to change filing, circulating, and signing requirements as prescribed; to provide and change 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, 42:

Aguilar	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 464 with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 464.

A BILL FOR AN ACT relating to business entities; to amend sections 21-1931, 21-1933, 21-19,151, 21-2030, 21-20,173, 67-283, and 70-706, Reissue Revised Statutes of Nebraska, and sections 21-2028, 67-234, and 67-455, Revised Statutes Supplement, 2002; to change provisions relating to naming business entities; 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	Combs	Janssen	Mossey	Synowiecki
Baker	Connealy	Johnson	Pedersen, Dw.	Thompson
Beutler	Cudaback	Jones	Preister	Tyson
Bourne	Cunningham	Kremer	Price	Vrtiska
Bromm	Engel	Kruse	Quandahl	Wehrbein
Brown	Erdman	Landis	Raikes	
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Smith	
Chambers	Hudkins	Mines	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 476.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend sections 17-503 and 17-503.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of real and personal property; to provide 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, 42:

Aguilar	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 480 with 34 ayes, 2 nays, 6 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 480.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-368 and 75-369, Reissue Revised Statutes of Nebraska, and sections 60-1306, 75-363, 75-364, and 75-366, Revised Statutes Supplement, 2002; to update federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to change an internal reference relating to rules and regulations; to change a reference to the Federal Highway Administration;

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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 481.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to state weighing stations and portable scales; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 494.

A BILL FOR AN ACT relating to liens; to amend section 9-516, Uniform Commercial Code; to change provisions relating to secured transaction filing; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 498 with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 498.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1407, 60-1410, 60-1411, and 60-1416, Reissue Revised Statutes of Nebraska, and sections 60-1401.02, 60-1403.01, 60-1406, 60-1411.01, 60-1411.02, and 60-1413, Revised Statutes Supplement, 2002; to provide for a dealer's agent license; to provide duties, fees, and 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 510.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 50-401.01, Revised Statutes Supplement, 2002; to change provisions relating to membership on the Executive Board; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 521.

A BILL FOR AN ACT relating to special elections; to amend sections 18-2521 and 32-559, Reissue Revised Statutes of Nebraska, and sections 10-703.01 and 32-101, Revised Statutes Supplement, 2002; to change provisions relating to holding special elections; 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, 41:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kremer	Price	Tyson
Bourne	Engel	Kruse	Quandahl	Vrtiska
Bromm	Erdman	Landis	Raikes	Wehrbein
Brown	Foley	Louden	Schimek	
Burling	Friend	Maxwell	Schrock	
Byars	Hudkins	Mines	Smith	
Chambers	Janssen	Mossey	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Combs

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 548.

A BILL FOR AN ACT relating to elections; to amend section 32-241, Revised Statutes Supplement, 2002; to prohibit certain acts by employers of election workers and by election officials; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610.

A BILL FOR AN ACT relating to indigent defendants; to amend section 29-3904, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of other counsel; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 701.

A BILL FOR AN ACT relating to labor; to amend sections 48-1119 and 48-1125, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings before the Equal Opportunity Commission; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Cudaback	Jones	Preister	Thompson
Bourne	Cunningham	Kremer	Price	Tyson
Bromm	Engel	Kruse	Quandahl	Vrtiska
Brown	Erdman	Landis	Raikes	Wehrbein
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 707.

A BILL FOR AN ACT relating to election commissioners; to amend section 32-208, Revised Statutes Supplement, 2002; to change restrictions on being a candidate for elective office; 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:

Aguilar	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Thompson
Beutler	Cudaback	Jones	Preister	Tyson
Bourne	Cunningham	Kremer	Price	Vrtiska
Bromm	Engel	Kruse	Quandahl	Wehrbein
Brown	Erdman	Landis	Raikes	
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 112. With Emergency.

A BILL FOR AN ACT relating to state government; to amend section 81-1120.19, Revised Statutes Supplement, 2002; to change provisions relating to purchase of telecommunications service; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Thompson
Beutler	Cudaback	Jones	Preister	Tyson
Bourne	Cunningham	Kremer	Price	Vrtiska
Bromm	Engel	Kruse	Quandahl	Wehrbein
Brown	Erdman	Landis	Raikes	
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 148 with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 148.

A BILL FOR AN ACT relating to domestic relations; 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, 42-735, 42-737 to 42-740, 42-742, 42-745 to 42-747.01, 42-748 to 42-751, and 42-931, Reissue Revised Statutes of Nebraska, and sections 42-351 and 43-104, Revised Statutes Supplement, 2002; to adopt the Uniform Child Custody Jurisdiction and Enforcement Act; to adopt uniform changes to the Uniform Interstate Family Support Act; to adopt the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act; to harmonize provisions; to repeal the Nebraska Child Custody Jurisdiction Act; to

provide a duty for the Revisor of Statutes; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 43-1201 to 43-1225, 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, 41:

Aguilar	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Thompson
Beutler	Cudaback	Jones	Preister	Tyson
Bourne	Cunningham	Kremer	Price	Vrtiska
Bromm	Engel	Kruse	Quandahl	Wehrbein
Brown	Erdman	Landis	Raikes	
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BROMM PRESIDING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 197. With Emergency.

A BILL FOR AN ACT relating to employment security law; to amend section 48-621, Revised Statutes Supplement, 2002; to authorize certain disposition of federal funds 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, 39:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Cudaback	Johnson	Mossey	Smith
Beutler	Cunningham	Jones	Pedersen, Dw.	Stuhr
Bourne	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hudkins	Maxwell	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Connealy	Synowiecki

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 267.

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, 2002; to require checks for certain license applicants as prescribed; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Thompson
Beutler	Cudaback	Jones	Preister	Tyson
Bourne	Cunningham	Kremer	Price	Vrtiska
Bromm	Engel	Kruse	Quandahl	Wehrbein
Brown	Erdman	Landis	Raikes	
Burling	Foley	Louden	Schimek	
Byars	Friend	Maxwell	Schrock	
Chambers	Hudkins	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 7:

Brashear	Jensen	Pederson, D.	Stuthman
Hartnett	McDonald	Redfield	

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 97, 118, 149, 200, 235, 258, 307, 349, 354, 444, 464, 476, 480, 481, 494, 498, 510, 521, 548, 610, 701, 707, 112, 148, 197, and 267.

MOTION - Return LB 332 to Select File

Senator Beutler moved to return LB 332 to Select File for his specific pending amendment, AM1211, found on page 1219.

Senator Preister requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the Beutler amendment is germane to the bill.

Senator Preister challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 4 ayes, 26 nays, 12 present and not voting, and 7 excused and not voting.

The Chair was sustained.

Senator Beutler withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 332. With Emergency.

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; 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, 44:

Aguilar	Combs	Janssen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Bromm	Engel	Kruse	Price	Thompson
Brown	Erdman	Louden	Quandahl	Tyson
Burling	Foley	Maxwell	Raikes	Vrtiska
Byars	Friend	McDonald	Schimek	Wehrbein
Chambers	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Brashear	Hartnett	Jensen	Landis	Redfield

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 358 to Select File

Senator Schimek moved to return LB 358 to Select File for her specific pending amendment, AM1084, found on page 1119.

The Schimek motion to return prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 358. The Schimek specific pending amendment, AM1084, found on page 1119, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTIONS - Print in Journal

Senator Connealy filed the following motion to LB 143:
Bracket LB 143 until January 1, 2004.

Senator Connealy filed the following motion to LB 143A:
Bracket LB 143A until January 1, 2004.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 685. Placed on General File as amended.
(Standing Committee amendment, AM1349, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senators Smith and Baker filed the following amendment to LB 743:
AM1484

(Amendments to Standing Committee amendments, AM0715)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 9 of this act shall be known
- 4 and may be cited as the Telephone Solicitation Regulation Act.
- 5 Sec. 2. For purposes of the Telephone Solicitation
- 6 Regulation Act:
- 7 (1) Caller identification service means a type of
- 8 telephone service which permits telephone subscribers to see the
- 9 telephone number of incoming telephone calls;
- 10 (2) Charitable contribution means any donation or gift of
- 11 money or any other thing of value;
- 12 (3) Commission means the Public Service Commission;
- 13 (4) Established business relationship means a
- 14 relationship between a seller and a consumer based on:
- 15 (a) The consumer's purchase, rental, or lease of the
- 16 seller's goods or services or a financial transaction between the
- 17 consumer and seller; or
- 18 (b) The consumer's inquiry or application regarding a
- 19 product or service offered by the seller;
- 20 (5) Residential subscriber means a person who has
- 21 subscribed to residential telephone service from a local exchange
- 22 company or any other person living or residing with such person;
- 23 (6) State licensee means a person licensed by a state
- 1 agency under a law of this state that requires the person to obtain
- 2 a license as a condition of engaging in a profession or business;
- 3 and
- 4 (7)(a) Telephone solicitation means any voice
- 5 communication over a telephone line for the purpose of encouraging
- 6 the purchase or rental of, or investment in, property, goods, or
- 7 services or for the purpose of making a charitable contribution.
- 8 Telephone solicitation includes communication from a live operator.

9 through the use of an automatic dialing-announcing device as
10 defined in section 86-238, or by other means.

11 (b) Telephone solicitation does not include
12 communications to any residential subscriber (i) with that
13 subscriber's prior express invitation or permission or in response
14 to a contact initiated by that subscriber, (ii) by or on behalf of
15 any person, or any subsidiary or affiliate of such person, with
16 whom a residential subscriber has an established business
17 relationship or personal relationship unless the residential
18 subscriber has instructed the person to place the subscriber on the
19 company-specific do-not-call list of the person, and any such
20 instructions shall be applicable to the person and any subsidiary
21 or affiliate of such person, (iii) by a person who is a minor for
22 educational purposes, (iv) by a state licensee if (A) the
23 communication is not made by an automatic dialing-announcing
24 device, (B) the solicited transaction is not completed until a
25 face-to-face sales presentation by the seller and the residential
26 subscriber is not required to pay or authorize payment until after
27 the presentation, and (C) the residential subscriber has not
1 informed the person making the communication that the residential
2 subscriber does not wish to receive telephone solicitations from
3 such person, or (v) by a person for the purpose of soliciting a
4 charitable contribution if the residential subscriber has an
5 affiliation as a member or alumnus or is an existing contributor.

6 Sec. 3. The national do-not-call registry established
7 and maintained by the Federal Trade Commission pursuant to 16
8 C.F.R. 310.4(b)(1)(iii)(B), as such regulation existed on the
9 effective date of this act, is the do-not-call registry for
10 Nebraska. No person shall make or cause to be made any telephone
11 solicitation to any residential subscriber in Nebraska if (1) the
12 subscriber's telephone number has been on the national do-not-call
13 registry for at least three months prior to the date of the
14 telephone solicitation or (2) the subscriber has instructed the
15 person to place the subscriber on the company-specific do-not-call
16 list of such person.

17 Sec. 4. (1) Any person who makes a telephone
18 solicitation to the telephone line of any residential subscriber in
19 this state shall, at the beginning of such call, state clearly the
20 identity of the person initiating the call.

21 (2) No person who makes a telephone solicitation to the
22 telephone line of a residential subscriber in this state shall
23 knowingly utilize any method to block or otherwise circumvent such
24 subscriber's use of a caller identification service.

25 Sec. 5. The commission may initiate proceedings, on its
26 own motion, relating to a knowing violation of section 3 or 4 of
27 this act. Such proceedings may include, without limitation,
1 proceedings to issue a cease and desist order, to issue an order
2 imposing a civil penalty of up to two thousand five hundred dollars
3 for each knowing violation, and to seek additional relief in any

4 district court of competent jurisdiction. Such actions shall be
5 brought in the name of the state. An action or proceeding shall
6 not be brought later than two years after the commission knew or
7 should have known of the occurrence of the alleged violation. The
8 commission is authorized to issue investigative demands, issue
9 subpoenas, administer oaths, and conduct hearings in the course of
10 investigating a violation of section 3 or 4 of this act. Sections
11 75-131 to 75-135 and 75-156 shall apply to proceedings initiated by
12 the commission under this section.

13 Sec. 6. It shall be a defense in any action or
14 proceeding brought under section 5 of this act that the person has
15 established and implemented, with due care, reasonable practices
16 and procedures to effectively prevent telephone solicitations in
17 violation of the Telephone Solicitation Regulation Act.

18 Sec. 7. Any telephone solicitation originating from a
19 location outside this state to the telephone line of any
20 residential subscriber in this state shall constitute a minimum
21 contact with this state for purposes of long-arm jurisdiction, and
22 a court in this state may exercise personal jurisdiction over any
23 nonresident or his or her executor or administrator as to any
24 action or proceeding authorized by the Telephone Solicitation
25 Regulation Act.

26 Sec. 8. A provider of caller identification service
27 shall not be liable for violations of the Telephone Solicitation
1 Regulation Act committed by other persons.

2 Sec. 9. The commission may adopt and promulgate rules
3 and regulations necessary to carry out the Telephone Solicitation
4 Regulation Act.

5 Sec. 10. Section 75-109.01, Revised Statutes Supplement,
6 2002, is amended to read:

7 75-109.01. Except as otherwise specifically provided by
8 law, the Public Service Commission shall have jurisdiction, as
9 prescribed, over the following subjects:

10 (1) Common carriers, generally, pursuant to sections
11 75-101 to 75-158;

12 (2) Grain pursuant to the Grain Dealer Act and the Grain
13 Warehouse Act and sections 89-1,104 to 89-1,108;

14 (3) Manufactured homes and recreational vehicles pursuant
15 to the Uniform Standard Code for Manufactured Homes and
16 Recreational Vehicles;

17 (4) Modular housing units pursuant to the Nebraska
18 Uniform Standards for Modular Housing Units Act;

19 (5) Motor carrier registration and safety pursuant to
20 sections 75-301 to 75-322, 75-369.03, 75-370, 75-371, 75-383, and
21 75-384;

22 (6) Pipeline carriers and rights-of-way pursuant to
23 sections 57-1301 to 57-1307 and 75-501 to 75-503;

24 (7) Railroad carrier safety pursuant to sections 74-918,
25 74-919, 74-1323, and 75-401 to 75-430;

26 (8) Telecommunications carriers pursuant to the Automatic
27 Dialing-Announcing Devices Act, the Emergency Telephone
1 Communications Systems Act, the Enhanced Wireless 911 Services Act,
2 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
3 Telecommunications Regulation Act, the Nebraska Telecommunications
4 Universal Service Fund Act, the Telecommunications Relay System
5 Act, the Telephone Consumer Slamming Prevention Act, and sections
6 86-574 to 86-580;

7 (9) Transmission lines and rights-of-way pursuant to
8 sections 70-301 and 75-702 to 75-724; ~~and~~

9 (10) Water service pursuant to the Water Service

10 Regulation Act; ~~and~~

11 (11) Telephone solicitation pursuant to the Telephone
12 Solicitation Regulation Act.

13 Sec. 11. Section 75-132.01, Revised Statutes Supplement,
14 2002, is amended to read:

15 75-132.01. (1) Notwithstanding the provisions of section
16 75-131, the commission shall have exclusive original jurisdiction
17 over any action concerning a violation of any provision of (a) the
18 Automatic Dialing-Announcing Devices Act, the Emergency Telephone
19 Communications Systems Act, the Enhanced Wireless 911 Services Act,
20 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
21 Telecommunications Regulation Act, the Nebraska Telecommunications
22 Universal Service Fund Act, the Telecommunications Relay System
23 Act, ~~or~~ the Telephone Consumer Slamming Prevention Act, or the
24 Telephone Solicitation Regulation Act by any person providing
25 telecommunications service for a fee in Nebraska intrastate
26 commerce pursuant to such acts or (b) sections 86-574 to 86-578 by
27 an agency or political subdivision of the state.

1 (2) After all administrative remedies before the
2 commission have been exhausted, any interested party to an action
3 may appeal in accordance with the Administrative Procedure Act.

4 (3) If the commission enters an order declining
5 jurisdiction under subsection (1) of this section, any interested
6 person may petition the district court of the county in which such
7 alleged violation has occurred. If it appears to the court, after
8 a hearing, that a provision of such acts or sections has been
9 violated, the court may issue an injunction or other proper process
10 to restrain the telecommunications company and its directors,
11 officers, employees, or agents or the agency or political
12 subdivision of the state from continuing such violation and may
13 order additional relief. Any party to the case shall have the
14 right to appeal the decision of the district court to the Court of
15 Appeals under the rules provided by law for appeals in civil cases.

16 Sec. 12. Section 75-134, Revised Statutes Supplement,
17 2002, is amended to read:

18 75-134. (1) A commission order entered after a hearing
19 shall be written and shall recite (a) a discussion of the facts of
20 a basic or underlying nature, (b) the ultimate facts, and (c) the

21 commission's reasoning or other authority relied upon by the
22 commission.

23 (2) Every order of the commission shall become effective
24 ten days after the date of the mailing of a copy of the order to
25 the parties of record except (a) when the commission prescribes a
26 later effective date, (b) as otherwise provided in section 75-121
27 or 75-139, (c) as otherwise provided for cease and desist orders
1 issued pursuant to section 75-133, or (d) for orders entered
2 pursuant to section 75-319 which shall be effective on the date of
3 entry.

4 (3) Except as otherwise provided in this section or for
5 rate orders provided for in section 75-139, if one of the parties
6 of record commences an appeal pursuant to section 75-137, the order
7 appealed shall be in abeyance until the Court of Appeals or Supreme
8 Court issues its mandate. Nothing in this section shall hold in
9 abeyance an order authorizing the issuance of a certificate or
10 permit, an order denying relief or authority, or an order entered
11 pursuant to section 75-319.

12 (4) If a party of record to a telecommunications order
13 commences an appeal in accordance with the Administrative Procedure
14 Act, the order appealed shall become effective on the date
15 prescribed in subsection (2) of this section and remain in effect
16 unless upon application (a) the commission or district court issues
17 an order staying the underlying commission order or (b) the
18 commission, district court, Court of Appeals, or Supreme Court
19 issues an order reversing or modifying the underlying commission
20 order. For purposes of this subsection, telecommunications order
21 means an order entered by the commission pursuant to the Automatic
22 Dialing-Announcing Devices Act, the Emergency Telephone
23 Communications Systems Act, the Intrastate Pay-Per-Call Regulation
24 Act, the Nebraska Telecommunications Regulation Act, the Nebraska
25 Telecommunications Universal Service Fund Act, the
26 Telecommunications Relay System Act, the Telephone Solicitation
27 Regulation Act, or section 86-125.

1 (5) The commission or district court may only issue a
2 stay pursuant to subsection (4) of this section if it finds that
3 (a) the applicant for the stay is likely to prevail when the matter
4 is finally decided, (b) without relief, the applicant will suffer
5 irreparable injury, and (c) the grant of relief to the applicant
6 will not substantially harm other parties to the proceedings. The
7 commission or district court may require the party requesting such
8 stay to give bond in such amount and conditioned as the commission
9 or court may direct. The grant or denial of a stay shall not be
10 considered to be a final order.

11 Sec. 13. Section 75-156, Revised Statutes Supplement,
12 2002, is amended to read:

13 75-156. (1) In addition to other penalties and relief
14 provided by law, the Public Service Commission may, upon a finding
15 that the violation is proven by clear and convincing evidence,

16 assess a civil penalty of up to ten thousand dollars per day
17 against any person, motor carrier, regulated motor carrier, common
18 carrier, or contract carrier for each violation of (a) any
19 provision of sections 75-301 to 75-390 administered by the
20 commission or section 75-126 as such section applies to any person
21 or carrier specified in sections 75-301 to 75-390, (b) a commission
22 order entered pursuant to the Automatic Dialing-Announcing Devices
23 Act, the Emergency Telephone Communications Systems Act, the
24 Intrastate Pay-Per-Call Regulation Act, the Nebraska
25 Telecommunications Regulation Act, the Nebraska Telecommunications
26 Universal Service Fund Act, or the Telecommunications Relay System
27 Act, (c) any term, condition, or limitation of any certificate or
1 permit issued by the commission pursuant to sections 75-301 to
2 75-390, or (d) any rule, regulation, or order of the commission
3 issued under authority delegated to the commission pursuant to
4 sections 75-301 to 75-390. The civil penalty assessed under this
5 section shall not exceed two million dollars per year for each
6 violation. The amount of the civil penalty assessed in each case
7 shall be based on the severity of the violation charged. The
8 commission may compromise or mitigate any penalty prior to hearing
9 if all parties agree. In determining the amount of the penalty,
10 the commission shall consider the appropriateness of the penalty in
11 light of the gravity of the violation and the good faith of the
12 violator in attempting to achieve compliance after notification of
13 the violation is given.

14 (2) Upon notice and hearing in accordance with this
15 section and section 75-157, the commission may enter an order
16 assessing a civil penalty of up to (a) one hundred dollars against
17 any person, firm, partnership, limited liability company,
18 corporation, cooperative, or association for failure to file an
19 annual report as required by section 75-116 and as prescribed by
20 commission rules and regulations or for failure to register as
21 required by section 86-125 and as prescribed by commission rules
22 and regulations or (b) up to two thousand five hundred dollars for
23 a violation of the Telephone Solicitation Regulation Act. Each day
24 during which the violation continues after the commission has
25 issued an order finding that a violation has occurred constitutes a
26 separate offense. Any party aggrieved by an order of the
27 commission under this section, except an order assessing a civil
1 penalty issued under subdivision (1)(b) of this section, has the
2 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. 14. Original sections 75-109.01, 75-132.01, 75-134,
19 and 75-156, Revised Statutes Supplement, 2002, are repealed.".

Senator Chambers filed the following amendments to LB 265A:

AM1530

- 1 1. On page 2, in lines 1 and 2 strike "\$56,500 from the
2 General Fund and"; and in line 2 strike "\$643,500" and insert
3 "\$700,000".

AM1531

- 1 1. On page 2, line 3, strike "\$26,500 from the General
2 Fund and".

AM1532

- 1 1. On page 2, line 3, strike "\$26,500 from the General
2 Fund and"; and in line 4 strike "\$165,000" and insert "\$192,000".

AM1533

- 1 1. On page 2, line 10, strike the first "\$60,600" and
2 insert "\$30,000" and strike the second "\$60,600" and insert
3 "\$20,000".

AM1534

- 1 1. On page 2, line 10, strike the first "\$60,600" and
2 insert "\$40,000" and strike the second "\$60,600" and insert
3 "\$30,000".

AM1535

- 1 1. Strike original section 3.

AM1536

- 1 1. Strike original section 3 and insert the following
2 new section:
3 "Sec. 3. This act becomes operative on January 1,
4 3004."

AM1537

- 1 1. Strike original section 3 and insert the following
2 new section:
3 "Sec. 3. This act becomes operative on January 1,
4 2010."

AM1529

- 1 1. On page 2, in lines 1 and 2 strike "\$56,500 from the
- 2 General Fund and".

AM1545

- 1 1. Strike original section 3.
- 2 2. On page 2, line 3, strike "\$26,500 from the General
- 3 Fund and".

AM1544

- 1 1. Strike original section 3.
- 2 2. On page 2, lines 1 and 2 strike "\$56,500 from the
- 3 General Fund and"; and in line 2 strike "\$643,500" and insert
- 4 "\$700,000".

AM1542

- 1 1. Strike original sections 2 and 3.

AM1543

- 1 1. Strike original section 3.
- 2 2. On page 2, in lines 1 and 2 strike "\$56,500 from the
- 3 General Fund and".

AM1549

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$700,000
- 4 from the Nebraska State Patrol Cash Fund for FY2003-04 and (2)
- 5 \$192,000 from the Nebraska State Patrol Cash Fund for FY2004-05 to
- 6 the Nebraska State Patrol, for Program 100, to aid in carrying out
- 7 the provisions of Legislative Bill 265, Ninety-eighth Legislature,
- 8 First Session, 2003.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$30,000 for FY2003-04 or \$20,000 for FY2004-05.
- 12 Sec. 2. There is hereby appropriated \$9,600 from the
- 13 Department of Motor Vehicles Cash Fund for FY2003-04 to the
- 14 Department of Motor Vehicles, for Program 70, to aid in carrying
- 15 out the provisions of Legislative Bill 265, Ninety-eighth
- 16 Legislature, First Session, 2003.
- 17 No expenditures for permanent and temporary salaries and
- 18 per diems for state employees shall be made from funds appropriated
- 19 in this section.
- 20 Sec. 3. Since an emergency exists, this act takes effect
- 21 when passed and approved according to law."

AM1546

- 1 1. Strike original section 3.
- 2 2. On page 2, line 3, strike "\$26,500 from the General

3 Fund and"; and in line 4 strike "\$165,000" and insert "\$192,000".

AM1547

- 1 1. Strike original section 3.
- 2 2. On page 2, line 10, strike the first "\$60,600" and
- 3 insert "\$30,000" and strike the second "\$60,600" and insert
- 4 "\$20,000".

AM1548

- 1 1. Strike original section 3.
- 2 2. On page 2, line 10, strike the first "\$60,600" and
- 3 insert "\$40,000" and strike the second "\$60,600" and insert
- 4 "\$30,000".

AM1550

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$700,000
- 4 from the Nebraska State Patrol Cash Fund for FY2003-04 and (2)
- 5 \$192,000 from the Nebraska State Patrol Cash Fund for FY2004-05 to
- 6 the Nebraska State Patrol, for Program 100, to aid in carrying out
- 7 the provisions of Legislative Bill 265, Ninety-eighth Legislature,
- 8 First Session, 2003.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$30,000 for FY2003-04 or \$20,000 for FY2004-05.
- 12 Sec. 2. There is hereby appropriated \$9,600 from the
- 13 Department of Motor Vehicles Cash Fund for FY2003-04 to the
- 14 Department of Motor Vehicles, for Program 70, to aid in carrying
- 15 out the provisions of Legislative Bill 265, Ninety-eighth
- 16 Legislature, First Session, 2003.
- 17 No expenditures for permanent and temporary salaries and
- 18 per diems for state employees shall be made from funds appropriated
- 19 in this section."

Senators Bromm, Kremer, and Burling filed the following amendment to
LB 754:

AM1541

(Amendments to E & R amendments, AM7099)

- 1 1. On page 5, strike the new matter in lines 15 through
- 2 27 and insert "The applicant for a conditional use permit or
- 3 special exception may request a final determination of the special
- 4 conditions or requirements to be imposed by the county planning
- 5 commission or by the county board of commissioners or supervisors
- 6 if the board has not authorized the commission to exercise such
- 7 authority. Upon request the commission or board shall issue such
- 8 final determination of the special conditions or requirements to be
- 9 imposed in a timely manner. Such special conditions or
- 10 requirements to be imposed may include, but are not limited to, the

11 information that may be separately provided to state or federal
12 agencies in applying to obtain the applicable state and federal
13 permits. The commission or the board may request and review, prior
14 to making a final determination of the special conditions or
15 requirements to be imposed, reasonable information relevant to the
16 conditional use or special exception. If a final determination of
17 the special conditions or requirements to be imposed has been made,
18 final permit approval may be withheld subject only to a final
19 review by the commission or county board to determine that there is
20 not a substantial change in the applicant's proposed use of the
21 property upon which the final determination was based and that the
22 applicant has met, or will meet, the special conditions or
23 requirements imposed in the final determination."

Senator Tyson filed the following amendment to LB 724:
AM1415

(Amendments to Standing Committee amendments, AM1031)

- 1 1. Insert the following new section:
- 2 "Sec. 9. (1) It is the intent of the Legislature that,
- 3 as a part of the restructuring of the behavioral health care system
- 4 pursuant to the Nebraska Behavioral Health Reform Act, the
- 5 following individuals be appointed by the Executive Board of the
- 6 Legislative Council to provide input and direction to the Health
- 7 and Human Services Committee of the Legislature:
- 8 (a) Representatives of law enforcement from each
- 9 community affected by possible closure of a regional center;
- 10 (b) One mayor or city administrator from each community
- 11 affected by possible closure of a regional center;
- 12 (c) One representative from a hospital or emergency
- 13 services provider from each community affected by possible closure
- 14 of a regional center;
- 15 (d) One health care professional from each of the
- 16 regional centers;
- 17 (e) One state employees collective bargaining
- 18 representative from each of the regional centers;
- 19 (f) One family member of a person receiving direct
- 20 services from each of the regional centers; and
- 21 (g) One regional program administrator from each of the
- 22 behavioral health areas affected by possible closure.
- 23 (2) It is the intent of the Legislature that no
- 1 implementing legislation shall be introduced pursuant to the act
- 2 until a detailed plan is developed and approved by the Governor,
- 3 the Health and Human Services Committee, and the Department of
- 4 Health and Human Services. Such plan shall include the following
- 5 issues:
- 6 (a) The development of specific services and where such
- 7 service shall be located;
- 8 (b) The funding of new services;
- 9 (c) The staffing of new services; and

- 10 (d) The administrative authority for the provision of
11 mental health services.
- 12 (3) It is the intent of the Legislature that all
13 community-based services shall be in place and have the capacity to
14 accept all patients before any consideration is given to
15 downsizing, consolidating, or eliminating any current services
16 provided by the regional centers."
- 17 2. On page 1, line 3, strike "9" and insert "10".
- 18 3. Renumber the remaining section and correct internal
19 references accordingly.

Senator Tyson filed the following amendment to LB 724:
AM1467

(Amendments to Standing Committee amendments, AM1031)

- 1 1. Insert the following new section:
2 "Sec. 9. It is the intent of the Legislature that, as a
3 part of the restructuring of the behavioral health care system
4 pursuant to the Nebraska Behavioral Health Reform Act, a
5 comprehensive inventory of available behavioral health services be
6 sent to the Legislature before any regional center services are
7 discontinued or downsized. The inventory shall include, but need
8 not be limited to:
- 9 (1) The location of all state and private behavioral
10 health services, including community-based programs contracting
11 with the Department of Health and Human Services;
- 12 (2) The capacity of all state-operated and privately
13 operated behavioral health institutions and community-based
14 residential and day treatment centers;
- 15 (3) All federal, state, and local funding sources for all
16 state behavioral health services and the most recent amounts; and
- 17 (4) Levels of expertise of all medical, psychiatric, and
18 psychological staff serving state-operated and privately operated
19 behavioral health institutions and contracting with community based
20 behavioral health programs."
- 21 2. On page 1, line 3, strike "9" and insert "10".
- 22 3. Renumber the remaining section and correct internal
23 references accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 332.

VISITORS

Visitors to the Chamber were 25 eighth-grade students and teachers from Benkelman; 13 eighth-grade students and teacher from Funk; Duane Krause from Fremont; 10 seventh-grade students and teacher from St. Libory; Rob, Angela, Emily, Ryan, and Nicole Hackett from Aurora; Theresa Palacio

from Norfolk and Cecilia Huerta from Lincoln; 80 fourth-grade students and teachers from Willowdale Elementary School, Omaha; 35 fourth-grade students and teachers from Walt Disney Elementary School, Millard; and 40 fourth-grade students and teachers from Christ Lutheran School, Norfolk.

ADJOURNMENT

At 2:19 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Monday, April 28, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 28, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 28, 2003

PRAYER

The prayer was offered by Senator Smith.

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 Landis who was excused; and Senators Bourne, Brown, Maxwell, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 25, 2003, at 2:25 p.m. were the following: LBs 97, 118, 149, 200, 235, 258, 307, 349, 354, 444, 464, 476, 480, 481, 494, 498, 510, 521, 548, 610, 701, 707, 112e, 148, 197e, 267, and 332e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 265. Senator Chambers renewed his pending motion, found on page 1437, to recommit to the Judiciary Committee with instructions to review the bill, all amendments and pending amendments, and to redraft the bill in the manner the committee deems appropriate and to make a report to the Legislature within 15 days after the date the committee takes possession of the bill.

Senator Hudkins asked unanimous consent to be excused until she returns.

No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Mossey requested a roll call vote on the Chambers motion to recommit to committee.

Voting in the affirmative, 10:

Bourne	Hartnett	Mines	Raikes	Stuthman
Connealy	Kruse	Price	Schimek	Thompson

Voting in the negative, 27:

Aguilar	Cunningham	Johnson	Pedersen, Dw.	Synowiecki
Baker	Engel	Jones	Quandahl	Tyson
Brashear	Erdman	Kremer	Redfield	Wehrbein
Burling	Friend	Louden	Schrock	
Byars	Janssen	McDonald	Smith	
Combs	Jensen	Mossey	Stuhr	

Present and not voting, 9:

Beutler	Chambers	Foley	Pederson, D.	Vrtiska
Bromm	Cudaback	Maxwell	Preister	

Excused and not voting, 3:

Brown	Hudkins	Landis

The Chambers motion to recommit to committee failed with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote just taken.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LBs 97, 118, 149, 200, 235, 258, 307, 349, 354, 444, 464, 476, 480, 481, 494, 498, 510, 521, 548, 610, 701, 707, 112, 148, 197, and 267.

(Signed) Vickie D. McDonald

AMENDMENT - Print in Journal

Senator Jones filed the following amendment to LB 759:
AM1483

(Amendments to E & R amendments, AM7114)

- 1 1. On page 14, lines 23 and 24, strike "building
- 2 cleaning and maintenance," and show as stricken; and in line 24
- 3 strike "and" and show as stricken and after "security" insert "and commercial building cleaning and maintenance".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 403A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 403, Ninety-eighth Legislature, First Session, 2003.

STANDING COMMITTEE REPORTS
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.

Nebraska Arts Council
Louise Bereuter
Joan Gibson
Robin Koozer
Art Thompson
Robert Wolfe
Meredith Zutavern

VOTE: Aye: Senators Connealy, Erdman, Friend, Janssen, Mossey, and Schimek. Nay: None. Absent: Senators Cunningham and Landis.

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
Edwin C. Bergstraesser

VOTE: Aye: Senators Connealy, Erdman, Friend, Janssen, Mossey, and Schimek. Nay: None. Absent: Senators Cunningham and Landis.

(Signed) Ray Janssen, Chairperson

VISITORS

Visitors to the Chamber were members of the Youth Advisory Council from Gering and Scottsbluff High Schools; 22 fourth-grade students and teacher from Karen Western Elementary School, Omaha; 36 fourth-grade students and teachers from Wood River; Senator Dw. Pedersen's daughter and son-in-law, Megan and Michael Nelson, from Hastings; and 38 fourth-grade students and teachers from Jefferson Elementary School, Norfolk.

RECESS

At 11:54 a.m., on a motion by Senator Wehrbein, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Bromm presiding.

ROLL CALL

The roll was called and all members were present except Senator Landis who was excused; and Senators Engel, D. Pederson, Schrock, and Tyson who were excused until they arrive.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Monday, May 19, 2003

1:15 p.m.

Pamela List - Nebraska Board of Health

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 667:
AM1551

(Amendments to E & R amendments, AM7091)

- 1 1. On page 7, strike beginning with the second
- 2 "pharmacy" in line 20 through "state" in line 21 and insert "Mail
- 3 Service Pharmacy Licensure Act".
- 4 2. On page 8, line 11, after "Licensure" insert ", after
- 5 notice and an opportunity for a hearing,"; and strike beginning
- 6 with the underscored comma in line 16 through line 18 and insert
- 7 "or rules and regulations adopted and promulgated under the act, or
- 8 (c) conduct by such pharmacy which in this state presents a threat

9 to the public health and safety or a danger of death or physical
10 harm.".

Senator Erdman filed the following amendment to LB 305:
AM1556

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 37-324, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-324. (1) The funds derived from the sale of permits
- 5 and publications as provided in the Game Law, any unexpended
- 6 balance now on hand from the sale of hunting, fur-harvesting, and
- 7 fishing permits, and all money required by the Game Law to be paid
- 8 into the State Game Fund are hereby appropriated to the use of the
- 9 commission (a) for the propagation, importation, protection,
- 10 preservation, and distribution of game and fish and necessary
- 11 equipment therefor and all things pertaining thereto, (b) for the
- 12 creation of cash funds under section 37-326, (c) for the
- 13 administration and enforcement of the State Boat Act, (d) for
- 14 boating safety educational programs, (e) for the construction and
- 15 maintenance of boating and docking facilities, navigation aids, and
- 16 access to boating areas and such other uses which will promote the
- 17 safety and convenience of the boating public in Nebraska, and (f)
- 18 ~~(e)~~ for publishing costs for publications relating to topics listed
- 19 in subdivisions (a) ~~through (d)~~ and (b) of this subsection and
- 20 other topics of general interest to the state as approved by the
- 21 commission. An amount equal to two dollars from each annual
- 22 resident fishing permit and two dollars from each combination
- 23 hunting and fishing permit sold in this state shall be used by the
- 1 commission for the administration, construction, operation, and
- 2 maintenance of fish hatcheries and for the distribution of fish.
- 3 (2) Expenditures for publications on topics of general
- 4 interest to the state shall not exceed the income derived from
- 5 single-copy and subscription sales of commission publications and
- 6 advertising revenue from such publications.
- 7 Sec. 20. Section 37-1214, Revised Statutes Supplement,
- 8 2002, is amended to read:
- 9 37-1214. (1) Except as otherwise provided in section
- 10 37-1211, the owner of each motorboat shall register such vessel or
- 11 renew the registration every three years as provided in section
- 12 37-1226. The owner of such vessel shall file an initial
- 13 application for a certificate of number pursuant to section 37-1216
- 14 ~~with the county treasurer of the county in which the applicant~~
- 15 ~~resides or, in the case of a nonresident, with any a county~~
- 16 treasurer on forms approved and provided by the commission. The
- 17 application shall be signed by the owner of the vessel, shall
- 18 contain the year manufactured, and shall be accompanied by a fee
- 19 for the three-year period of not less than fifteen dollars and not
- 20 more than twenty dollars for Class 1 boats, not less than thirty

21 dollars and not more than forty dollars for Class 2 boats, not less
22 than forty-five dollars and not more than sixty dollars for Class 3
23 boats, and not less than seventy-five dollars and not more than one
24 hundred dollars for Class 4 boats, as established by the commission
25 pursuant to section 37-327.

26 (2) If a county board consolidates services under the
27 office of a designated county official other than the county
1 treasurer pursuant to section 23-186, the powers and duties of the
2 county treasurer relating to registration under sections 37-1214 to
3 37-1227 shall be performed by the designated county official.

4 Sec. 21. Section 37-1241.04, Revised Statutes

5 Supplement, 2002, is amended to read:

6 37-1241.04. (1) A person shall operate a personal
7 watercraft on the waters of this state in a reasonable and prudent
8 manner. A maneuver which unreasonably or unnecessarily endangers
9 life, limb, or property is prohibited and includes weaving through
10 congested vessel traffic, ~~or jumping the wake produced by another~~
11 vessel at a distance of less than ~~thirty~~ fifty yards, or jumping
12 the wake produced by a motorboat or personal watercraft that is
13 towing a person or persons.

14 (2) A person shall not operate a personal watercraft on
15 the waters of this state unless he or she is facing forward on the
16 watercraft.

17 Sec. 22. Section 37-1241.06, Revised Statutes

18 Supplement, 2002, is amended to read:

19 37-1241.06. (1)(a) No person under fourteen years of age
20 shall operate a motorboat or personal watercraft on the waters of
21 this state.

22 (b) No person under sixteen years of age shall operate a
23 motorboat or personal watercraft on the waters of this state with
24 an individual in tow behind the motorboat or personal watercraft.

25 (2) Effective May 1, 2000, and until January 1, 2004, a
26 person under sixteen years of age shall not operate a motorboat or
27 personal watercraft on the waters of this state unless he or she
1 has successfully completed a boating safety course approved by the
2 commission and has been issued a valid boating safety certificate.

3 (3) Effective January 1, 2004, a person under eighteen
4 years of age shall not operate a motorboat or personal watercraft
5 on the waters of this state unless he or she has successfully
6 completed a boating safety course approved by the commission and
7 has been issued a valid boating certificate.

8 (4) ~~No person under fourteen years of age shall operate a~~
9 ~~personal watercraft on the waters of this state.~~ The commission
10 may charge a fee of no more than ten dollars for a boating safety
11 course required by this section.

12 Sec. 23. Section 37-1241.07, Revised Statutes

13 Supplement, 2002, is amended to read:

14 37-1241.07. Effective ~~May 1, 2000~~ on the operative date
15 of this section, the owner of a boat livery, or his or her agent or

16 employee, shall not lease, hire, or rent a motorboat or personal
17 watercraft to, or for operation by, any person under sixteen
18 eighteen years of age, unless the person presents his or her
19 certificate issued under section 37-1241.06.

20 Sec. 24. Section 37-1256, Revised Statutes Supplement,
21 2002, is amended to read:

22 37-1256. (1) In the case of collision, accident, or
23 other casualty involving a vessel, the operator thereof, if the
24 collision, accident, or other casualty results in death, a missing
25 person, or injury to a person or damage to property in excess of
26 five hundred dollars, shall file with the commission a full
27 description of the collision, accident, or other casualty,
1 including such information and within such time limit as the
2 commission may by regulation require.

3 (2) The commission or any other law enforcement agency
4 shall notify the Nebraska State Patrol as soon as practicable in
5 any cases of collision, accident, or other casualty involving a
6 vessel, when the collision, accident, or other casualty results in
7 death, a missing person, or life-threatening injury to a person.

8 (3) The Nebraska State Patrol shall collaborate with the
9 commission or any other law enforcement agency in any
10 investigations pursuant to this section.

11 Sec. 25. Section 37-1273, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 37-1273. All fees as provided by the State Boat Act
14 shall be remitted to the ~~state treasury and by the State Treasurer~~
15 placed in for credit to the State Game Fund to be used primarily
16 for (1) administration and enforcement of the State Boat Act, (2)
17 boating safety educational programs, (3) the construction and
18 maintenance of boating and docking facilities, navigation aids, and
19 access to boating areas and such other uses as will promote the
20 safety and convenience of the boating public in Nebraska, and (4)
21 publishing costs subject to the restrictions and limitations in
22 section 37-324. Secondary uses for the fees shall be for the
23 propagation, importation, protection, preservation, and
24 distribution of game and fish and necessary equipment therefor and
25 all things pertaining thereto. Such fund, when appropriated by the
26 Legislature, shall be used (1) for the propagation, importation,
27 protection, preservation, and distribution of game and fish and
1 necessary equipment therefor and all things pertaining thereto, (2)
2 for administration and enforcement of the State Boat Act, (3) for
3 the construction and maintenance of boating and docking facilities,
4 navigation aids, and access to boating areas and such other uses as
5 will promote the safety and convenience of the boating public in
6 Nebraska, and (4) for publishing costs subject to the restrictions
7 and limitations in section 37-324.

8 Sec. 26. Sections 1, 3 to 19, and 27 of this act become
9 operative three calendar months after the adjournment of this
10 legislative session. Sections 2, 20, 21, 24, 25, and 28 of this

11 act become operative on June 1, 2003. The other sections of this
12 act become operative on their effective date.
13 Sec. 28. Original sections 37-324 and 37-1273, Reissue
14 Revised Statutes of Nebraska, and sections 37-1214, 37-1241.04, and
15 37-1256, Revised Statutes Supplement, 2002, are repealed.
16 Sec. 29. Original sections 37-1241.06 and 37-1241.07,
17 Revised Statutes Supplement, 2002, are repealed.
18 Sec. 30. Since an emergency exists, this act takes
19 effect when passed and approved according to law."
20 2. On page 1, line 1, after "sections" insert "37-324,";
21 in line 2 strike "and 37-496" and insert "37-496, and 37-1273"; in
22 line 5 strike "and 37-495" and insert "37-495, 37-1214, 37-1241.04,
23 37-1241.06, 37-1241.07, and 37-1256"; in line 8 strike "and limited
24 deer permits" and insert "limited deer permits, motorboat
25 registration, the operation of motorboats and personal watercraft,
26 boating accident investigations, and State Boat Act fees"; in line
27 10 strike "and" and insert "to provide operative dates;"; and in
1 line 11 after "sections" insert "; and to declare an emergency".
2 3. Renumber the remaining sections and correct internal
3 references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 77. Read. Considered.

LR 77 was adopted with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Pursuant to Rule 4, Sec. 5(b), LR 73 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 77 and 73.

SELECT FILE

LEGISLATIVE BILL 724. E & R amendment, AM7096, found on page 1138, was adopted.

Senator Tyson renewed his pending amendment, AM1222, found on page 1196.

Senators Mines and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Tyson withdrew his amendment.

Senator Jensen renewed his pending amendment, AM1337, found on page 1327.

The Jensen amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Tyson renewed his pending amendment, AM1415, found on page 1468.

The Tyson amendment lost with 2 ayes, 12 nays, 32 present and not voting, and 3 excused and not voting.

Senator Tyson renewed his pending amendment, AM1467, found on page 1469.

The Tyson amendment lost with 5 ayes, 11 nays, 30 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 17. Placed on General File as amended.

(Standing Committee amendment, AM1472, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 62. Placed on General File as amended.

Standing Committee amendment to LB 62:

AM1494

- 1 1. On page 4, line 3, strike "five dollars" and insert
- 2 "two dollars and seventy-five cents".

LEGISLATIVE BILL 139. Placed on General File as amended.

Standing Committee amendment to LB 139:

AM1057

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 29-4103, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 29-4103. For purposes of the DNA Detection of Sexual and
- 5 Violent Offenders Act:
- 6 (1) Combined DNA Index System means the Federal Bureau of
- 7 Investigation's national DNA identification index system that
- 8 allows the storage and exchange of DNA records submitted by state
- 9 and local forensic DNA laboratories;
- 10 (2) DNA means deoxyribonucleic acid which is located in
- 11 the cells and provides an individual's personal genetic blueprint.

12 DNA encodes genetic information that is the basis of human heredity
13 and forensic identification;

14 (3) DNA record means the DNA identification information
15 stored in the State DNA Data Base or the Combined DNA Index System
16 which is derived from DNA typing test results;

17 (4) DNA sample means a blood or tissue sample provided by
18 any person with respect to offenses covered by the DNA Detection of
19 Sexual and Violent Offenders Act for analysis or storage, or both;

20 (5) DNA typing tests means the laboratory procedures
21 which evaluate the characteristics of a DNA sample which are of
22 value in establishing the identity of an individual;

23 (6) Felony sex offense means a felony offense, or an
24 attempt, conspiracy, or solicitation to commit a felony offense,
1 under any of the following:

2 (a) Kidnapping of a minor pursuant to section 28-313,
3 except when the person is the parent of the minor and was not
4 convicted of any other offense in this subdivision;

5 (b) Incest of a minor pursuant to section 28-703;

6 (c) Sexual assault in the first or second degree pursuant
7 to section 28-319 or 28-320;

8 (d) Sexual assault of a child pursuant to section
9 28-320.01;

10 (e) Sexual assault of a vulnerable adult pursuant to
11 subdivision (1)(c) of section 28-386; and

12 (f) False imprisonment of a minor in the first degree
13 pursuant to section 28-314, except when the person is the parent of
14 the minor and was not convicted of any other offense in this
15 subdivision;

16 (7) Law enforcement agency includes a police department,
17 town marshal, county sheriff, and the Nebraska State Patrol;

18 (8) Other specified offense means an offense, or an
19 attempt, conspiracy, or solicitation to commit an offense, under
20 any of the following:

21 (a) Murder in the first degree pursuant to section
22 28-303;

23 (b) Murder in the second degree pursuant to section
24 28-304;

25 (c) Manslaughter pursuant to section 28-305; ~~or~~

26 (d) Stalking pursuant to sections 28-311.02 to 28-311.05;

27 ~~and~~

1 (e) Burglary pursuant to section 28-507; or

2 (f) Robbery pursuant to section 28-324; and

3 (9) Released means any release, parole, furlough, work
4 release, prerelease, or release in any other manner from a prison,
5 jail, or any other detention facility or institution.

6 Sec. 5. Section 29-4106, Revised Statutes Supplement,
7 2002, is amended to read:

8 29-4106. (1) A person who is convicted of a felony sex
9 offense or other specified offense on or after ~~September 13, 1997~~

10 the effective date of this act, who has not already had a DNA
11 sample drawn pursuant to this section, shall have a DNA sample
12 drawn:

13 (a) Upon intake to a prison, jail, or other detention
14 facility or institution to which such person is sentenced. If the
15 person is already confined at the time of sentencing, the person
16 shall have a DNA sample drawn immediately after the sentencing.
17 Such DNA samples shall be drawn at the place of incarceration or
18 confinement. Such person shall not be released unless and until a
19 DNA sample has been drawn; or

20 (b) As a condition for any sentence which will not
21 involve an intake into a prison, jail, or other detention facility
22 or institution. Such DNA samples shall be drawn at a detention
23 facility or institution as specified by the court. Such person
24 shall not be released unless and until a DNA sample has been drawn.

25 (2) A person who has been convicted of a felony sex
26 offense or other specified offense before ~~September 13, 1997~~ the
27 effective date of this act, who has not already had a DNA sample
1 drawn pursuant to this section, and who is still serving a term of
2 confinement for such offense on ~~September 13, 1997~~ the effective
3 date of this act, who has not already had a DNA sample drawn
4 pursuant to this section, shall not be released prior to the
5 expiration of his or her maximum term of confinement unless and
6 until a DNA sample has been drawn.

7 Sec. 7. (1) Except as otherwise provided in the DNA
8 Detection of Sexual and Violent Offenders Act and the DNA Testing
9 Act, whenever any person is accused of wrongdoing as a result of a
10 body fluid test such person and only that person or his or her
11 representative may request deoxyribonucleic acid, DNA, typing tests
12 of his or her body fluid under this section.

13 (2) The Nebraska State Patrol, upon receipt of such
14 request, with relevant information, including the body fluid
15 identity number and the name of the laboratory at which the body
16 fluid was analyzed, shall, within ten working days, directly
17 contact the laboratory and direct that untested aliquots of samples
18 of the person's body fluid be delivered to the respective
19 laboratory designated by the state for DNA typing tests. The
20 delivery shall meet all chain of custody requirements.

21 (3) The person submitting a request for DNA typing tests
22 shall submit to body fluid collections as directed by the Nebraska
23 State Patrol, to ascertain the person's DNA. The collection shall
24 be confidential under normal lawyer and client and physician and
25 patient privileges. After such DNA typing tests, a certified
26 report shall be issued to the person or representative who
27 requested the DNA typing tests. Should the DNA report conclude

1 that the initial body fluids were not those of the person, the
2 person shall be cleared of any and all allegations of wrongdoing.

3 (4) All costs of the DNA typing tests shall be incurred
4 by the person. The person shall not be deemed to have waived any

5 of his or her rights as a result of such request.

6 (5) All records relating to the certified report shall be
7 purged after a receipt of a written request from the person or
8 representative to the Nebraska State Patrol directing the patrol to
9 do so. If a written request is not received from the person or
10 representative, the records shall be purged within sixty days after
11 the date the report was issued to the person or representative.

12 (6) For purposes of this section, DNA typing tests has
13 the same meaning as in section 29-4103."

14 2. On page 2, line 15, after "Act" insert ". No DNA
15 typing tests shall be performed on DNA samples of offenders
16 convicted of burglary pursuant to section 28-507 or robbery
17 pursuant to section 28-324 until federal funds become available to
18 Nebraska for such DNA typing tests. If no federal funds for
19 performing DNA typing tests on DNA samples of offenders convicted
20 of burglary pursuant to section 28-507 or robbery pursuant to
21 section 28-324 become available to Nebraska on or before July 1,
22 2006, no further DNA samples of offenders convicted of burglary
23 pursuant to section 28-507 or robbery pursuant to section 28-324
24 shall be taken".

25 3. On page 6, line 6, after "sections" insert "29-4103,"
26 and after "29-4105," insert "29-4106,".

27 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendment to LB 260:
AM1471

- 1 1. On page 4, line 10, strike "post-chemical" and insert
- 2 "post-arrest".

LEGISLATIVE BILL 489. Placed on General File as amended.
Standing Committee amendment to LB 489:
AM1495

- 1 1. On page 2, line 27, after "fee" insert "for making a
2 complete record of a case"; and in line 28 reinstate the stricken
3 matter and after the reinstated "action" insert an underscored
4 period.
- 5 2. On page 3, line 1, strike "that in" and insert "In";
6 and in line 3 after "fee" insert "for making a complete record of a
7 case".

LEGISLATIVE BILL 632. Placed on General File as amended.
Standing Committee amendment to LB 632:
AM1257

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. (1) A person, other than an animal control
4 facility or animal shelter, who sells a puppy or kitten under six
5 weeks of age without its mother is guilty of a Class V misdemeanor.

6 (2) For purposes of this section:

7 (a) Animal control facility means a facility operated by
8 the state or any political subdivision of the state for the purpose
9 of impounding or harboring seized, stray, homeless, abandoned, or
10 unwanted animals; and

11 (b) Animal shelter means a facility used to house or
12 contain dogs or cats and is owned, operated, or maintained by an
13 incorporated humane society, animal welfare society, society for
14 the prevention of cruelty to animals, or other nonprofit
15 organization devoted to the welfare, protection, and humane
16 treatment of such animals."

LEGISLATIVE BILL 662. Placed on General File as amended.

Standing Committee amendment to LB 662:

AM1505

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 29-4103, Revised Statutes

4 Supplement, 2002, is amended to read:

5 29-4103. For purposes of the DNA Detection of Sexual and
6 Violent Offenders Act:

7 (1) Combined DNA Index System means the Federal Bureau of
8 Investigation's national DNA identification index system that
9 allows the storage and exchange of DNA records submitted by state
10 and local forensic DNA laboratories;

11 (2) DNA means deoxyribonucleic acid which is located in
12 the cells and provides an individual's personal genetic blueprint.
13 DNA encodes genetic information that is the basis of human heredity
14 and forensic identification;

15 (3) DNA record means the DNA identification information
16 stored in the State DNA Data Base or the Combined DNA Index System
17 which is derived from DNA typing test results;

18 (4) DNA sample means a blood or tissue sample provided by
19 any person with respect to offenses covered by the DNA Detection of
20 Sexual and Violent Offenders Act for analysis or storage, or both;

21 (5) DNA typing tests means the laboratory procedures
22 which evaluate the characteristics of a DNA sample which are of
23 value in establishing the identity of an individual;

24 (6) Felony sex offense means a felony offense, or an
1 attempt, conspiracy, or solicitation to commit a felony offense,
2 under any of the following:

3 (a) Kidnapping of a minor pursuant to section 28-313,
4 except when the person is the parent of the minor and was not
5 convicted of any other offense in this subdivision;

6 (b) Incest of a minor pursuant to section 28-703;

7 (c) Sexual assault in the first or second degree pursuant
8 to section 28-319 or 28-320;

9 (d) Sexual assault of a child pursuant to section
10 28-320.01;

- 11 (e) Sexual assault of a vulnerable adult pursuant to
12 subdivision (1)(c) of section 28-386; and
- 13 (f) False imprisonment of a minor in the first degree
14 pursuant to section 28-314, except when the person is the parent of
15 the minor and was not convicted of any other offense in this
16 subdivision;
- 17 (7) Law enforcement agency includes a police department,
18 town marshal, county sheriff, and the Nebraska State Patrol;
- 19 (8) Other specified offense means an offense, or an
20 attempt, conspiracy, or solicitation to commit an offense, under
21 any of the following:
- 22 (a) Murder in the first degree pursuant to section
23 28-303;
- 24 (b) Murder in the second degree pursuant to section
25 28-304;
- 26 (c) Manslaughter pursuant to section 28-305; ~~or~~
- 27 (d) Stalking pursuant to sections 28-311.02 to 28-311.05;
1 ~~and~~
- 2 (e) Burglary pursuant to section 28-507; or
3 (f) Robbery pursuant to section 28-324; and
- 4 (9) Released means any release, parole, furlough, work
5 release, prerelease, or release in any other manner from a prison,
6 jail, or any other detention facility or institution.
- 7 Sec. 2. Section 29-4106, Revised Statutes Supplement,
8 2002, is amended to read:
- 9 29-4106. (1) A person who is convicted of a felony sex
10 offense or other specified offense on or after ~~September 13, 1997~~
11 the effective date of this act, who has not already had a DNA
12 sample drawn pursuant to this section, shall have a DNA sample
13 drawn:
- 14 (a) Upon intake to a prison, jail, or other detention
15 facility or institution to which such person is sentenced. If the
16 person is already confined at the time of sentencing, the person
17 shall have a DNA sample drawn immediately after the sentencing.
18 Such DNA samples shall be drawn at the place of incarceration or
19 confinement. Such person shall not be released unless and until a
20 DNA sample has been drawn; or
- 21 (b) As a condition for any sentence which will not
22 involve an intake into a prison, jail, or other detention facility
23 or institution. Such DNA samples shall be drawn at a detention
24 facility or institution as specified by the court. Such person
25 shall not be released unless and until a DNA sample has been drawn.
- 26 (2) A person who has been convicted of a felony sex
27 offense or other specified offense before ~~September 13, 1997~~ the
1 effective date of this act, who has not already had a DNA sample
2 drawn pursuant to this section, and who is still serving a term of
3 confinement for such offense on ~~September 13, 1997~~ the effective
4 date of this act, who has not already had a DNA sample drawn
5 pursuant to this section, shall not be released prior to the

6 expiration of his or her maximum term of confinement unless and
 7 until a DNA sample has been drawn.
 8 Sec. 3. Original sections 29-4103 and 29-4106, Revised
 9 Statutes Supplement, 2002, are repealed."

LEGISLATIVE BILL 699. Placed on General File as amended.
 Standing Committee amendment to LB 699:
 AM1540

- 1 1. On page 2, line 2, strike "one dollar" and insert
- 2 "seventy-five cents".

LEGISLATIVE BILL 760. Placed on General File as amended.
 (Standing Committee amendment, AM1586, is printed separately and
 available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 761. Placed on General File as amended.
 Standing Committee amendment to LB 761:
 AM1538

- 1 1. On page 2, lines 11 and 12, strike "one hundred
- 2 twenty-one thousand six hundred sixty-two" and insert "one hundred
- 3 twenty-one thousand sixty-five"; and in lines 14 and 15 strike "one
- 4 hundred twenty-five thousand seven hundred twenty-nine" and insert
- 5 "one hundred twenty-three thousand four hundred eighty-six".

LEGISLATIVE BILL 808. Placed on General File as amended.
 Standing Committee amendment to LB 808:
 AM1496

- 1 1. On page 2, line 22, after the period insert "Such
- 2 days shall be designated as nonjudicial days".

(Signed) Kermit A. Brashear, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LBs 97,
 118, 149, 200, 235, 258, 307, 349, 354, 444, 464, 476, 480, 481, 494, 498,
 510, 521, 548, 610, 701, 707, 112, 148, 197, and 267.

(Signed) Arnie Stuthman

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendments to LB 743:
 AM1570

(Amendments to AM1484)

- 1 1. On page 4, line 2; and page 10, line 22, strike "two
- 2 thousand five hundred" and insert "seven thousand".

AM1567

(Amendments to AM1484)

- 1 1. On page 1, line 22, after the semicolon insert "and";
- 2 and in line 23 strike beginning with "State" through "state".
- 3 2. On page 2, strike lines 1 through 3; in line 4 strike
- 4 "(Z)"; in line 22 after the comma insert "or"; and strike beginning
- 5 with "by" in line 22 through line 27.
- 6 3. On page 3, strike beginning with "informed" in line 1
- 7 through "(v)" in line 3.

AM1566

(Amendments to AM1484)

- 1 1. On page 2, line 7, strike "making" and insert
- 2 "requesting".

AM1565

(Amendments to AM1484)

- 1 1. On page 1, line 17, after "seller" insert "if the
- 2 purchase, rental, lease, or transaction occurred within the
- 3 eighteen months immediately preceding the date of the telephone
- 4 solicitation"; and in line 19 after "seller" insert "if the inquiry
- 5 or application occurred within the three months immediately
- 6 preceding the date of the telephone solicitation".
- 7 2. On page 2, line 14, after "subscriber" insert "if the
- 8 contact occurred within the three months immediately preceding the
- 9 date of the telephone solicitation".

AM1579

(Amendments to AM1484)

- 1 1. Insert the following new section:
- 2 "Sec. 9. (1) The commission shall create informational
- 3 materials regarding the do-not-call registry. The materials shall
- 4 provide the following information:
- 5 (a) Notice of the availability of the national
- 6 do-not-call registry, its connection to the state do-not-call
- 7 registry, and how to be placed on both registries;
- 8 (b) An explanation of the overlapping jurisdictions of
- 9 the federal and state registries and when each applies; and
- 10 (c) The action a consumer should take if the consumer
- 11 continues to receive unwanted telephone solicitations after
- 12 requesting to be placed on either or both of the registries,
- 13 including specific instructions explaining how and when to contact
- 14 the Federal Trade Commission or the Public Service Commission to
- 15 seek enforcement of the applicable law and regulations.
- 16 (2) Each provider of residential telephone service in
- 17 Nebraska shall annually provide the informational materials to
- 18 every residential subscriber of the provider as prescribed by rules
- 19 and regulations adopted and promulgated by the commission.".
- 20 2. On page 1, line 3, strike "9" and insert "10".

21 3. Renumber the remaining sections accordingly.

AM1569

(Amendments to AM1484)

- 1 1. On page 3, line 6, after "registry" insert "to be";
- 2 and in line 9 strike "is" and insert "shall be".

AM1568

(Amendments to AM1484)

- 1 1. On page 3, strike beginning with "by" in line 3
- 2 through line 5 and insert "for the purpose of requesting a
- 3 charitable contribution if the residential subscriber has an
- 4 affiliation with the person for which the charitable contribution
- 5 is being requested as an alumnus or as a current member on the date
- 6 of the telephone solicitation or has made a charitable contribution
- 7 to or on behalf of such person within the eighteen months
- 8 immediately preceding the date of the telephone solicitation.".

AM1578

(Amendments to AM1484)

- 1 1. On page 2, line 12, after "subscriber" insert "
- 2 unless the residential subscriber has requested not to be called by
- 3 the person on whose behalf the communication is being made or the
- 4 residential subscriber has instructed such person to place the
- 5 subscriber on the company-specific do-not-call list of the person,
- 6 and any such request or instructions shall be applicable to the
- 7 person and any subsidiary or affiliate of such person."; strike
- 8 beginning with "unless" in line 17 through the first "person" in
- 9 line 21; in line 24 strike the comma and insert "and"; and in line
- 10 27 strike beginning with "and" through "not".
- 11 2. On page 3, strike beginning with "informed" in line 1
- 12 through the comma in line 3; and in line 14 after "has" insert
- 13 "requested not to be called by the person or has".

Senator Beutler filed the following amendment to LB 440:

AM1590

(Amendments to Standing Committee amendments, AM1414)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 18-2603, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 18-2603. For purposes of the Municipal Infrastructure
- 6 Redevelopment Fund Act:
- 7 (1) Bond means any evidence of indebtedness, including,
- 8 but not limited to, bonds, notes including notes issued pending
- 9 long-term financing arrangements, warrants, debentures, obligations
- 10 under a loan agreement or a lease-purchase agreement, or any
- 11 similar instrument or obligation;
- 12 (2) Fund means the Municipal Infrastructure Redevelopment

13 Fund;

14 (3) Infrastructure project means any of the following
15 projects, or any combination thereof, to be owned or operated by a
16 municipality: Solid waste management facilities; wastewater, storm
17 water, and water treatment works and systems, water distribution
18 facilities, and water resources projects, including, but not
19 limited to, pumping stations, transmission lines, and mains and
20 their appurtenances; hazardous waste disposal systems; resource
21 recovery systems; airports; port facilities; buildings and capital
22 equipment used in the operations and activities of municipal
23 government and to provide services to the residents of the
1 municipality; convention and tourism facilities; redevelopment
2 projects as defined in section 18-2103; and mass transit and other
3 transportation systems, including parking facilities and excluding
4 public highways and bridges and municipal roads, streets, and
5 bridges;

6 (4) Municipal allocation amount means, for each
7 municipality, the amount derived by multiplying the amount to be
8 allocated by the fraction determined by dividing the total
9 population of the municipality by the total population of the state
10 living in municipalities, each as determined by the most recent
11 federal census figures certified by the Tax Commissioner as
12 provided in section 77-3,119; and

13 (5) Municipality means any city of ~~any class or any~~
14 ~~village in the state~~ the primary class.

15 Sec. 2. Section 77-2602, Revised Statutes Supplement,
16 2002, is amended to read:

17 77-2602. (1) Every person engaged in distributing or
18 selling cigarettes at wholesale in this state shall pay to the Tax
19 Commissioner of this state a special privilege tax. This shall be
20 in addition to all other taxes. It shall be paid prior to or at
21 the time of the sale, gift, or delivery to the retail dealer in the
22 several amounts as follows: On each package of cigarettes
23 containing not more than twenty cigarettes, sixty-four cents per
24 package until October 1, 2004, and thirty-four cents per package
25 commencing October 1, 2004; and on packages containing more than
26 twenty cigarettes, the same tax as provided on packages containing
27 not more than twenty cigarettes for the first twenty cigarettes in
1 each package and a tax of one-twentieth of the tax on the first
2 twenty cigarettes on each cigarette in excess of twenty cigarettes
3 in each package. Commencing July 1, 1994, and continuing until
4 July 1, 2009, the State Treasurer shall place the equivalent of
5 twenty-one cents of such tax less ~~three million five hundred twenty~~
6 ~~thousand~~ 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 the tax rate

12 per package of cigarettes containing not more than twenty
13 cigarettes. The State Treasurer shall distribute the remaining
14 proceeds of such tax in the following order:
15 (a) First, beginning July 1, 1980, the State Treasurer
16 shall place the equivalent of one cent of such tax in the Nebraska
17 Outdoor Recreation Development Cash Fund. For fiscal year
18 distributions occurring after FY1998-99, the distribution under
19 this subdivision shall not be less than the amount distributed
20 under this subdivision for FY1997-98. Any money needed to increase
21 the amount distributed under this subdivision to the FY1997-98
22 amount shall reduce the distribution to the General 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 distribution to the General Fund;

5 (c) Third, beginning July 1, 2001, and continuing until
6 October 1, 2002, the State Treasurer shall place the equivalent of
7 five cents of such tax in the Building Renewal Allocation Fund.
8 Beginning October 1, 2002, and continuing until October 1, 2004,
9 the State Treasurer shall place the equivalent of seven cents of
10 such tax in the Building Renewal Allocation Fund. Beginning
11 October 1, 2004, and continuing until all the purposes of the
12 Deferred Building Renewal Act have been fulfilled, the State
13 Treasurer shall place the equivalent of five cents of such tax in
14 the Building Renewal Allocation Fund. The Legislature shall
15 appropriate each fiscal year all sums inuring to the fund, plus
16 interest earnings for the Task Force for Building Renewal to be
17 used to carry out its duties and to fulfill the purposes of the
18 Deferred Building Renewal Act. Unexpended balances existing at the
19 end of each fiscal year shall be, and are hereby, reappropriated.
20 For fiscal year distributions occurring after FY1998-99, the
21 distribution under this subdivision shall not be less than
22 five-sevenths of the amount distributed under this subdivision for
23 FY1997-98. Any money needed to increase the amount distributed
24 under this subdivision to five-sevenths of the FY1997-98 amount
25 shall reduce the distribution to the General Fund;

26 (d) Fourth, until October 1, 2002, and beginning on
27 October 1, 2004, the State Treasurer shall place the difference
1 between the equivalent of thirteen cents of such tax and the sum of
2 the amounts distributed pursuant to subdivisions (a) through (c)
3 and (f) through (h) of this subsection in a special fund to be
4 known as the Nebraska Capital Construction Fund. Beginning October
5 1, 2002, and continuing until October 1, 2004, the State Treasurer
6 shall place the difference between the equivalent of forty-three

7 cents of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through (c) and (f) through (i) of this subsection in the Nebraska Capital Construction Fund;

(e) Fifth, ~~beginning July 1, 1994, and continuing until July 1, 2009,~~ the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of three million five hundred twenty thousand dollars each fiscal year to carry out the Municipal Infrastructure Redevelopment Fund Act. The Legislature shall appropriate the sum of three million five hundred twenty thousand dollars each year ~~for fiscal year 1994-95~~ through fiscal year 2008-09;

(f) Sixth, beginning July 1, 2001, the State Treasurer shall place the equivalent of two cents of such tax in the Information Technology Infrastructure Fund;

(g) Seventh, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million dollars each fiscal year in the City of the Primary Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to this subsection by such amount required to fulfill the one million dollars to be distributed pursuant to this subdivision;

(h) Eighth, beginning July 1, 2001, and continuing until June 30, 2016, the State Treasurer shall place one million five hundred thousand dollars each fiscal year in the City of the Metropolitan Class Development Fund. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to this subsection by such amount required to fulfill the one million five hundred thousand dollars to be distributed pursuant to this subdivision; and

(i) Ninth, beginning October 1, 2002, and continuing until October 1, 2004, the State Treasurer shall place the equivalent of twenty-eight cents of such tax in the Cash Reserve Fund.

(2) The Legislature hereby finds and determines that the projects funded from the Municipal Infrastructure Redevelopment Fund and the Building Renewal Allocation Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any

2 provision made by the Legislature for distribution of the proceeds
 3 of the cigarette tax for projects or programs other than those to
 4 (a) the General Fund, (b) the Nebraska Outdoor Recreation
 5 Development Cash Fund, (c) the Department of Health and Human
 6 Services Finance and Support Cash Fund, (d) the Municipal
 7 Infrastructure Redevelopment Fund, (e) the Building Renewal
 8 Allocation Fund, (f) the Information Technology Infrastructure
 9 Fund, (g) the City of the Primary Class Development Fund, (h) the
 10 City of the Metropolitan Class Development Fund, and (i) the Cash
 11 Reserve Fund shall not be made a higher priority than or an equal
 12 priority to any of the programs or projects specified in
 13 subdivisions (a) through (i) of this subsection.
 14 Sec. 3. Original sections 18-2603 and 77-2602, Revised
 15 Statutes Supplement, 2002, are repealed."

SELECT FILE

LEGISLATIVE BILL 724. Senator Jensen offered the following amendment:
 AM1574

(Amendments to Standing Committee amendments, AM1031)

- 1 1. Insert the following new sections:
- 2 "Sec. 10. Section 83-1079, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-1079. A mental health board shall be notified in
- 5 writing ~~at least seven days in advance~~ of the release by the
- 6 treatment facility of any individual committed by the mental health
- 7 board. The mental health board shall, upon the motion of the
- 8 county attorney, or may upon its own motion, conduct a hearing to
- 9 determine whether the individual is a mentally ill dangerous
- 10 person, ~~as defined by the Nebraska Mental Health Commitment Act,~~
- 11 and consequently not a proper subject for release. Such hearing
- 12 shall be conducted in accordance with the procedures established
- 13 for a hearing in sections 83-312, 83-339 to 83-340.01, 83-380.01,
- 14 83-1011, 83-1016 to 83-1018, 83-1024, 83-1026 to 83-1037, 83-1044,
- 15 83-1048, 83-1049, 83-1053, 83-1056, 83-1058 to 83-1060, 83-1079,
- 16 and 83-1080. The subject of such hearing shall be accorded all
- 17 rights guaranteed to the subject of a petition under the Nebraska
- 18 Mental Health Commitment Act. ~~If the board determines that an~~
- 19 ~~individual is still mentally ill and dangerous, that individual~~
- 20 ~~shall not be released from the treatment facility.~~
- 21 Sec. 11. Original section 83-1079, Reissue Revised
- 22 Statutes of Nebraska, is repealed."
- 23 2. Insert underscoring in sections 1 to 9.

The Jensen amendment 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 210. E & R amendment, AM7098, found on page 1149, was adopted.

Senator Beutler withdrew his pending amendments, AM1354 and FA1337, found on pages 1307 and 1433.

Senator Bromm asked unanimous consent to withdraw his pending amendment, AM1180, found on page 1433, and replace it with his substitute amendment, AM1587. No objections. So ordered.

AM1587

(Amendments to E & R amendments, AM7098)

- 1 1. On page 1, lines 17 and 18, 20 and 21, and 23, strike
- 2 "on a farm or ranch".
- 3 2. On page 2, line 19, after "(4)" insert "The act shall
- 4 apply to an employer thirty days after the employer meets the
- 5 requirements of subdivisions (2)(d)(i) and (2)(d)(ii) of this
- 6 section."; and strike lines 24 through 27 and insert
- 7 "(5) If an employer to whom the act applies because the
- 8 employer meets the requirements of subdivisions (2)(d)(i) and
- 9 (2)(d)(ii) of this section subsequently does not meet the
- 10 requirements of one or both subdivisions for a full calendar year,
- 11 such employer shall continue to provide workers' compensation
- 12 insurance coverage for the employees for a full calendar year after
- 13 such employer has notified the workers' compensation insurance
- 14 carrier and its employees that the employer no longer meets the
- 15 requirements of both subdivisions. When the required coverage
- 16 period has expired, such employer may elect to return to exempt
- 17 status and shall meet the requirements of subsection (6) of this
- 18 section before the exempt status is effective.".
- 19 3. On page 3, strike lines 1 through 5; in line 18 after
- 20 "(a)" insert "meeting the requirements of subsection (5) of this
- 21 section, if applicable, (b)"; and in line 23 strike "and (b)" and
- 22 insert ", and (c)".
- 23 4. On page 4, lines 13 and 14, strike "and
- 1 (b)" and insert:
- 2 "(b) Full-time employee means a person who is employed to
- 3 work one-half or more of the regularly scheduled hours during each
- 4 pay period; and
- 5 (c)"; and in line 14 after "means" insert "a spouse of an
- 6 employer and".

The Bromm amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler offered the following amendment:

AM1575

(Amendments to E & R amendments, AM7098)

- 1 1. On page 1, line 24; page 2, line 26; and page 3, line
- 2 2, strike "six" and insert "eight".
- 3 2. On page 1, line 22, strike the colon; in line 23
- 4 strike the paragraphing and "(i) Such" and insert "such".
- 5 3. On page 2, strike beginning with the semicolon in
- 6 line 3 through "section" in line 15.

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

Senator Beutler withdrew his amendment.

Senators Bromm, Beutler, Connealy, and Vrtiska offered the following amendment:

AM1599

(Amendments to E & R amendments, AM7098)

- 1 1. On page 1, line 24; page 2, line 26; and page 3, line
- 2 2, strike "six" and insert "ten".
- 3 2. On page 1, lines 22 and 23, strike ";
- 4 (i) Such" and insert "such".
- 5 3. On page 2, strike beginning with the semicolon in
- 6 line 3 through "section" in line 15; and in lines 20 and 21 and 25
- 7 and 26 strike "(2)(d)(i) and (2)(d)(ii)" and insert "(2)(d)".

The Bromm et al. amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Senators Beutler, Bromm, Connealy, and Vrtiska offered the following amendment:

AM1584

(Amendments to E & R amendments, AM7098)

- 1 1. On page 3, line 27, 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 (6) 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. Failure to provide the notice required by
- 10 this subsection subjects an employer to liability under and
- 11 inclusion in the act for all unrelated employees on the basis of
- 12 failure to give such notice.
- 13 (8)".
- 14 2. On page 4, line 8, strike "(8)" and insert "(9)".

The Beutler et al. amendment was adopted with 26 ayes, 0 nays, 19 present

and not voting, and 4 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Members Excused

Senators Bourne and Kremer asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 156. Title read. Considered.

The Standing Committee amendment, AM0762, found on page 821, was considered.

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

AM1573

(Amendments to Standing Committee amendments, AM0762)

- 1 1. On page 5, lines 26 and 27, strike "political
2 subdivision of a government".

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

The Beutler amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Mossey asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 574. Title read. Considered.

The Standing Committee amendment, AM0816, printed separately and referred to on page 855, was considered.

SPEAKER BROMM PRESIDING

Senator Raikes renewed his pending amendment, AM1153, found on page

1162, to the Standing Committee amendment.

Senators Erdman and Preister asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 759. Placed on Select File as amended.

(E & R amendment, AM7114, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 540. Placed on Select File as amended.

E & R amendment to LB 540:

AM7116

1 1. In the Standing Committee amendments, AM1287, strike
2 sections 5, 10, and 12 and insert the following new sections:
3 "Sec. 5. Section 79-1022, Revised Statutes Supplement,
4 2002, as amended by section 12, Legislative Bill 67, Ninety-eighth
5 Legislature, First Session, 2003, is amended to read:
6 79-1022. (1) On or before ~~February 5~~ June 15, 2003, and
7 on or before February 1 for each year thereafter, the department
8 shall determine the amounts to be distributed to each local system
9 and each district pursuant to the Tax Equity and Educational
10 Opportunities Support Act and shall certify the amounts to the
11 Director of Administrative Services, the Auditor of Public
12 Accounts, and each district. The amount to be distributed to each
13 district from the amount certified for a local system shall be
14 proportional based on the weighted formula students attributed to
15 each district in the local system. On or before ~~February 5~~ June
16 15, 2003, and on or before February 1 for each year thereafter, the
17 department shall report the necessary funding level to the
18 Governor, the Appropriations Committee of the Legislature, and the
19 Education Committee of the Legislature. Certified state aid amounts
20 shall be shown as budgeted non-property-tax receipts and deducted
21 prior to calculating the property tax request in the district's
22 general fund budget statement as provided to the Auditor of Public
23 Accounts pursuant to section 79-1024.
24 (2) Except as provided in subsection (3) of this section
1 and subsection (6) of section 79-1016 and section 79-1033, the
2 amounts certified pursuant to subsection (1) of this section shall
3 be distributed in ten as nearly as possible equal payments on the
4 last business day of each month beginning in September of each
5 ensuing school fiscal year and ending in June of the following
6 year, except that when a school district is to receive a monthly
7 payment of less than one thousand dollars, such payment shall be

8 one lump-sum payment on the last business day of December during
9 the ensuing school fiscal year.

10 (3) For school fiscal year 2002-03, except as provided in
11 subsection (6) of section 79-1016 and section 79-1033, the amounts
12 certified pursuant to subsection (1) of this section shall be
13 distributed according to the payment schedule in this subsection on
14 the last business day of each month listed, except that when a
15 school district is to receive ten thousand dollars or less, such
16 payment shall be one lump-sum payment on the last business day of
17 December. The amount distributed each month shall be equal to the
18 amount certified pursuant to subsection (1) of this section
19 multiplied by the applicable percentage, rounded to the nearest
20 cent. The percentages are:

21 (a) For September, October, November, and December, seven
22 and seven-tenths percent;

23 (b) For January, February, March, and April, ten percent;
24 and

25 (c) For May and June, fourteen and six-tenths percent.

26 Sec. 10. Section 79-10,110, Revised Statutes Supplement,
27 2002, as amended by section 23, Legislative Bill 67, Ninety-eighth
1 Legislature, First Session, 2003, is amended to read:

2 79-10,110. (1) ~~A school board, after~~ After making a
3 determination that an actual or potential environmental hazard or
4 accessibility barrier exists, that a life safety code violation
5 exists, or that expenditures are needed for indoor air quality or
6 mold abatement and prevention within the school buildings or
7 grounds under its control, a school board may make and deliver to
8 the county clerk of such county in which any part of the school
9 district is situated, not later than the date provided in section
10 13-508, an itemized estimate of the amounts necessary to be
11 expended for the abatement of such environmental hazard, ~~for~~ or
12 accessibility barrier elimination, or for modifications for life
13 safety code violations, indoor air quality, or mold abatement and
14 prevention in its such school buildings or grounds. The board
15 shall conduct a public hearing on the itemized estimate prior to
16 presenting such estimate to the county clerk. Notice of the place
17 and time of such hearing shall, at least five days prior to the
18 date set for hearing, be published in a newspaper of general
19 circulation within the school district. The board shall designate
20 the particular environmental hazard abatement project, ~~or~~
21 accessibility barrier elimination project, or modification for life
22 safety code violations, indoor air quality, or mold abatement and
23 prevention for which the tax levy provided for by this section will
24 be expended, the period of years, which shall not exceed ten years,
25 for which the tax will be levied for such project, and the amount
26 of the levy for each year of the period.

27 (2) After a public hearing, a school board may undertake
1 any qualified capital purpose in any qualified zone academy under
2 its control and may levy a tax as provided in this section to repay

3 a qualified zone academy bond issued for such undertaking. The
4 board shall designate the particular qualified capital purpose for
5 which the qualified zone academy bond was issued and for which the
6 tax levy provided for by this section will be expended, the period
7 of years, not exceeding fifteen, for which the tax will be levied
8 for such qualified zone academy bond, and the amount of the levy
9 for each year of the period. The hearing required by this
10 subsection shall be held only after notice of such hearing has been
11 published for three consecutive weeks prior to the hearing in a
12 legal newspaper published or of general circulation in the school
13 district.

14 (3) The board may designate more than one project under
15 subsection (1) of this section or qualified capital purpose under
16 subsection (2) of this section and levy a tax pursuant to this
17 section for each such project or qualified capital purpose,
18 concurrently or consecutively, as the case may be, if the aggregate
19 levy in each year and the duration of each such levy will not
20 exceed the limitations specified in this section. Each levy for a
21 project or qualified capital purpose which is authorized by this
22 section may be imposed for such duration as the board specifies,
23 notwithstanding the contemporaneous existence or subsequent
24 imposition of any other levy for another project or qualified
25 capital purpose imposed pursuant to this section and
26 notwithstanding the subsequent issuance by the district of bonded
27 indebtedness payable from its general fund levy.

1 (4) The county clerk shall levy such taxes, not to exceed
2 five and one-fifth cents per one hundred dollars of taxable
3 valuation for Class II, III, IV, V, and VI districts, and not to
4 exceed the limits set for Class I districts in section 79-10,124,
5 on the taxable property of the district necessary to (a) cover the
6 environmental hazard abatement or accessibility barrier elimination
7 project costs or costs for modification for life safety code
8 violations, indoor air quality, or mold abatement and prevention
9 itemized by the board pursuant to subsection (1) of this section
10 and (b) repay any qualified zone academy bonds pursuant to
11 subsection (2) of this section. Such taxes shall be collected by
12 the county treasurer at the same time and in the same manner as
13 county taxes are collected and when collected shall be paid to the
14 treasurer of the district and used to cover the project costs.

15 (5) If such board operates grades nine through twelve as
16 part of an affiliated school system, it shall designate the
17 fraction of the project or undertaking to be conducted for the
18 benefit of grades nine through twelve. Such fraction shall be
19 raised by a levy placed upon all of the taxable value of all
20 taxable property in the affiliated school system pursuant to
21 subsection (2) of section 79-1075. The balance of the project or
22 undertaking to be conducted for the benefit of grades kindergarten
23 through eight shall be raised by a levy placed upon all of the
24 taxable value of all taxable property in the district which is

25 governed by such board. The combined rate for both levies in the
26 high school district, to be determined by such board, shall not
27 exceed five and one-fifth cents on each one hundred dollars of
1 taxable value.

2 (6) Each board which submits an itemized estimate shall
3 establish an environmental hazard abatement and accessibility
4 barrier elimination project account, a life safety code
5 modification project account, an indoor air quality project
6 account, or a mold abatement and prevention project account, and
7 each board which undertakes a qualified capital purpose shall
8 establish a qualified capital purpose undertaking account, within
9 the qualified capital purpose undertaking fund. Taxes collected
10 pursuant to this section shall be credited to the appropriate
11 account to cover the project or undertaking costs. Such estimates
12 may be presented to the county clerk and taxes levied accordingly.

13 (7) For purposes of this section:

14 (a) Abatement includes, but is not limited to, any
15 inspection and testing regarding environmental hazards, any
16 maintenance to reduce, lessen, put an end to, diminish, moderate,
17 decrease, control, dispose of, or eliminate environmental hazards,
18 any removal or encapsulation of environmentally hazardous material
19 or property, any restoration or replacement of material or
20 property, any related architectural and engineering services, and
21 any other action to reduce or eliminate environmental hazards in
22 the school buildings or on the school grounds under the board's
23 control, except that abatement does not include the encapsulation
24 of any material containing more than one percent friable asbestos;

25 (b) Accessibility barrier means anything which impedes
26 entry into, exit from, or use of any building or facility by all
27 people;

1 (c) Accessibility barrier elimination includes, but is
2 not limited to, inspection for and removal of accessibility
3 barriers, maintenance to reduce, lessen, put an end to, diminish,
4 control, dispose of, or eliminate accessibility barriers, related
5 restoration or replacement of facilities or property, any related
6 architectural and engineering services, and any other action to
7 eliminate accessibility barriers in the school buildings or grounds
8 under the board's control;

9 (d) Environmental hazard means any contamination of the
10 air, water, or land surface or subsurface caused by any substance
11 adversely affecting human health or safety if such substance has
12 been declared hazardous by a federal or state statute, rule, or
13 regulation;

14 (e) Modification for indoor air quality includes, but is
15 not limited to, any inspection and testing regarding indoor air
16 quality, any maintenance to reduce, lessen, put an end to,
17 diminish, moderate, decrease, control, dispose of, or eliminate
18 indoor air quality problems, any restoration or replacement of
19 material or related architectural and engineering services, and any

20 other action to reduce or eliminate indoor air quality problems or
21 to enhance air quality conditions in new or existing school
22 buildings or on school grounds under the control of a school board;

23 (f) Modification for life safety code violation includes,
24 but is not limited to, any inspection and testing regarding life
25 safety codes, any maintenance to reduce, lessen, put an end to,
26 diminish, moderate, decrease, control, dispose of, or eliminate
27 life safety hazards, any restoration or replacement of material or
1 property, any related architectural and engineering services, and
2 any other action to reduce or eliminate life safety hazards in new
3 or existing school buildings or on school grounds under the control
4 of a school board;

5 (g) Modification for mold abatement and prevention
6 includes, but is not limited to, any inspection and testing
7 regarding mold abatement and prevention, any maintenance to reduce,
8 lessen, put an end to, diminish, moderate, decrease, control,
9 dispose of, or eliminate mold problems, any restoration or
10 replacement of material or related architectural and engineering
11 services, and any other action to reduce or eliminate mold problems
12 or to enhance air quality conditions in new or existing school
13 buildings or on school grounds under the control of a school board;

14 (h) Qualified capital purpose means (i) rehabilitating or
15 repairing the public school facility in which the qualified zone
16 academy is established or (ii) providing equipment for use at such
17 qualified zone academy;

18 ~~(f)~~ (i) Qualified zone academy has the meaning found in
19 26 U.S.C. 1397E(d)(4), as such section existed on April 6, 2001;

20 ~~(g)~~ (j) Qualified zone academy allocation means the
21 allocation of the qualified zone academy bond limitation by the
22 State Department of Education to the qualified zone academies
23 pursuant to 26 U.S.C. 1397E(e)(2), as such section existed on April
24 6, 2001; and

25 ~~(h)~~ (k) Qualified zone academy bond has the meaning found
26 in 26 U.S.C. 1397E(d)(1), as such section existed on May 8, 2001.

27 (8) Accessibility barrier elimination project costs
1 includes, but is not limited to, inspection, maintenance,
2 accounting, emergency services, consultation, or any other action
3 to reduce or eliminate accessibility barriers.

4 (9) For the purpose of paying amounts necessary for the
5 abatement of environmental hazards, ~~and~~ accessibility barrier
6 elimination, or modifications for life safety code violations,
7 indoor air quality, or mold abatement and prevention, the board may
8 borrow money and issue bonds and other evidences of indebtedness of
9 the district, which bonds and other evidences of indebtedness shall
10 be secured by and payable from an irrevocable pledge by the
11 district of amounts received in respect of the tax levy provided
12 for by this section and any other funds of the district available
13 therefor. Bonds and other evidences of indebtedness issued by a
14 district pursuant to this subsection shall not constitute a general

15 obligation of the district or be payable from any portion of its
16 general fund levy.

17 (10) The total principal amount of bonds for
18 modifications to correct life safety code violations, for indoor
19 air quality problems, or for mold abatement and prevention which
20 may be issued pursuant to this section shall not exceed the total
21 amount specified in the itemized estimate described in subsection
22 (1) of this section.

23 (11) The total principal amount of qualified zone academy
24 bonds which may be issued pursuant to this section for qualified
25 capital purposes with respect to a qualified zone academy shall not
26 exceed the qualified zone academy allocation granted to the board
27 by the department. The total amount that may be financed by
1 qualified zone academy bonds pursuant to this section for qualified
2 purposes with respect to a qualified zone academy shall not exceed
3 seven and one-half million dollars statewide in a single year. In
4 any year that the Nebraska qualified zone academy allocations
5 exceed seven and one-half million dollars for qualified capital
6 purposes to be financed with qualified zone academy bonds issued
7 pursuant to this section, (a) the department shall reduce such
8 allocations proportionally such that the statewide total for such
9 allocations equals seven and one-half million dollars and (b) the
10 difference between the Nebraska allocation and seven and one-half
11 million dollars shall be available to qualified zone academies for
12 requests that will be financed with qualified zone academy bonds
13 issued without the benefit of this section.

14 Nothing in this section directs the State Department of
15 Education to give any preference to allocation requests that will
16 be financed with qualified zone academy bonds issued pursuant to
17 this section.

18 Sec. 12. Original section 85-1536.01, Reissue Revised
19 Statutes of Nebraska, sections 13-518, 77-3442, 77-3446,
20 79-1008.01, 79-1022.02, and 79-1025, Revised Statutes Supplement,
21 2002, and sections 79-1022, 79-1026, 79-1083.03, and 79-10,110,
22 Revised Statutes Supplement, 2002, as amended by sections 12, 15,
23 22, and 23, respectively, Legislative Bill 67, Ninety-eighth
24 Legislature, First Session, 2003, are repealed."

25 2. On page 1, strike beginning with "school" in line 1
26 through line 5 and insert "education; to amend section 85-1536.01,
27 Reissue Revised Statutes of Nebraska, sections 13-518, 77-3442,
1 77-3446, 79-1008.01, 79-1022.02, and 79-1025, Revised Statutes
2 Supplement, 2002, and sections 79-1022, 79-1026, 79-1083.03, and
3 79-10,110, Revised Statutes Supplement, 2002, as amended by
4 sections 12, 15, 22, and 23, respectively, Legislative Bill 67,
5 Ninety-eighth Legislature, First Session, 2003; to change and
6 eliminate provisions relating to tax levy and budget authority and
7 state aid; to harmonize provisions; to repeal the original
8 sections; to outright repeal section 85-1537.01, Reissue Revised
9 Statutes of Nebraska; and to declare an emergency."

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendment to LB 249:

AM7115

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 79-235, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-235. For purposes of all duties, entitlements, and
- 6 rights established by law, including special education as provided
- 7 in section 79-1127, except as provided in section 79-241, option
- 8 students shall be treated as resident students of the option school
- 9 district. The option student may request a particular school
- 10 building, but the building assignment of the option student shall
- 11 be determined by the option school district. In determining
- 12 eligibility for extracurricular activities as defined in section
- 13 79-2,126, the option student shall be treated similarly to other
- 14 students who transfer into the school from another public, private,
- 15 denominational, or parochial school.
- 16 Sec. 2. Section 79-2,125, Revised Statutes Supplement,
- 17 2002, is amended to read:
- 18 79-2,125. Sections 79-2,125 to 79-2,135 and section 5 of
- 19 this act shall be known and may be cited as the Public Elementary
- 20 and Secondary Student Fee Authorization Act.
- 21 Sec. 3. Section 79-2,126, Revised Statutes Supplement,
- 22 2002, is amended to read:
- 23 79-2,126. For purposes of the Public Elementary and
- 24 Secondary Student Fee Authorization Act:
- 1 (1) Extracurricular activities means student activities
- 2 or organizations which are supervised or administered by the school
- 3 district, which do not count toward graduation or advancement
- 4 between grades, and in which participation is not otherwise
- 5 required by the school district;
- 6 (2) Governing body means a school board of any class of
- 7 school district or an educational service unit board; and
- 8 (3) Postsecondary education costs means tuition and other
- 9 fees associated with obtaining credit from a postsecondary
- 10 educational institution. For a course in which students receive
- 11 both high school and credit and for which they may also choose to
- 12 apply for postsecondary education credit, or a course being taken
- 13 as part of an approved accelerated or differentiated curriculum
- 14 program pursuant to sections 79-1106 to 79-1108.03, the course
- 15 shall be offered without charge for tuition, transportation, books,
- 16 or other fees, except that if the student chooses to apply for
- 17 postsecondary education credit, he or she may be charged tuition
- 18 and other fees only associated with obtaining credits from a
- 19 postsecondary educational institution.
- 20 Sec. 4. Section 79-2,127, Revised Statutes Supplement,
- 21 2002, is amended to read:

22 79-2,127. Except as provided in section 79-2,133, a
23 governing body may require and collect fees or other funds from or
24 on behalf of students or require students to provide specialized
25 equipment or specialized attire for any of the following purposes:

- 26 (1) Participation in extracurricular activities;
- 27 (2) Admission fees and transportation charges for
1 spectators attending extracurricular activities;
- 2 (3) Postsecondary education costs;
- 3 (4) Transportation pursuant to sections 79-241, 79-605,
4 and 79-611;
- 5 (5) Copies of student files or records pursuant to
6 section 79-2,104;
- 7 (6) Reimbursement to the school district or educational
8 service unit for school district or educational service unit
9 property lost or damaged by the student;
- 10 (7) Before-and-after-school or prekindergarten services
11 offered pursuant to section 79-1104;
- 12 (8) Summer school or night school; ~~and~~
- 13 (9) Parking; and
- 14 (10) Breakfast and lunch programs.

15 Except as provided in this section, sections 79-2,131 and
16 79-2,132, and section 5 of this act, a governing body shall not
17 collect money pursuant to the Public Elementary and Secondary
18 Student Fee Authorization Act from students.

19 Sec. 5. The Public Elementary and Secondary Student Fee
20 Authorization Act does not limit the ability of a governing body to
21 request donations of money, materials, equipment, or attire to
22 defray costs if the request is made in such a way that it is clear
23 that the request is not a requirement. The act does not prohibit a
24 governing body from permitting students to supply materials for
25 course projects.

26 Sec. 6. Section 79-2,128, Revised Statutes Supplement,
27 2002, is amended to read:

- 1 79-2,128. A governing body may require students to
2 furnish minor personal or minor consumable items for specified
3 courses and participation in extracurricular activities, ,
4 including, but not limited to, pencils, paper, pens, erasers, and
5 notebooks.

6 Sec. 7. Section 79-2,131, Revised Statutes Supplement,
7 2002, is amended to read:

- 8 79-2,131. A governing body may require students to
9 furnish musical instruments for participation in optional music
10 courses that are not extracurricular activities if the governing
11 body provides for the use of a musical instrument without charge
12 for any student who qualifies for free or reduced-price lunches
13 under United States Department of Agriculture child nutrition
14 programs. Participation in a free-lunch program or reduced-price
15 lunch program is not required to qualify for free or reduced-price
16 lunches for purposes of this section. This section does not

17 require a governing body to provide for the use of a particular
18 type of musical instrument for any student. For ~~music courses that~~
19 ~~are musical~~ extracurricular activities, a governing body may
20 require fees or require students to provide specialized equipment,
21 such as musical instruments, or specialized attire consistent with
22 the Public Elementary and Secondary Student Fee Authorization Act.

23 Sec. 8. Section 79-2,132, Revised Statutes Supplement,
24 2002, is amended to read:

25 79-2,132. The Public Elementary and Secondary Student
26 Fee Authorization Act does not preclude operation of a school store
27 in which students may purchase food, beverages, and personal or
1 consumable items. A school store need not have a permanent
2 physical presence and may consist of providing order forms for
3 students to voluntarily purchase items from the school or another
4 vendor.

5 Sec. 9. Section 79-2,133, Revised Statutes Supplement,
6 2002, is amended to read:

7 79-2,133. Each governing body shall establish a policy
8 waiving the fees and providing the items otherwise required to be
9 provided by students pursuant to ~~subdivisions (1) and (2)~~
10 subdivision (1) of section 79-2,127 and pursuant to section
11 79-2,130 for students who qualify for free or reduced-price lunches
12 under United States Department of Agriculture child nutrition
13 programs. Participation in a free-lunch program or reduced-price
14 lunch program is not required to qualify for free or reduced-price
15 lunches for purposes of this section.

16 Each governing body may establish a policy for waiving
17 fees or providing items otherwise required to be provided by
18 students in other circumstances.

19 Sec. 10. Section 79-2,134, Revised Statutes Supplement,
20 2002, is amended to read:

21 79-2,134. On or before August 1, 2002, and annually each
22 year thereafter, each school board shall hold a public hearing at a
23 regular or special meeting of the board on a proposed student fee
24 policy, following a review of the amount of money collected from
25 students pursuant to, and the use of waivers provided in, the
26 student fee policy for the prior school year. The student fee
27 policy shall be adopted by a majority vote of the school board and
1 shall be published in the student handbook. The board shall
2 provide a copy of the student handbook to every student, or to
3 every household in which at least one student resides, at no cost
4 to the student or household. The student fee policy shall include
5 specific details regarding:

6 (1) The general written guidelines for any ~~clothing~~
7 nonspecialized attire required for specified courses and
8 activities;

9 (2) Any personal or consumable items a student will be
10 required to furnish for ~~specified courses and~~ participation in
11 extracurricular activities;

12 (3) Any materials required for course projects;
 13 (4) Any specialized equipment or attire which a student
 14 will be required to provide for any extracurricular activity;
 15 (5) Any fees required from a student for participation in
 16 any extracurricular activity;
 17 (6) Any fees required for postsecondary education costs;
 18 (7) Any fees required for transportation costs pursuant
 19 to sections 79-241, 79-605, and 79-611;
 20 (8) Any fees required for copies of student files or
 21 records pursuant to section 79-2,104;
 22 (9) Any fees required for participation in
 23 before-and-after-school or prekindergarten services offered
 24 pursuant to section 79-1104;
 25 (10) Any fees required for participation in summer school
 26 or night school;
 27 (11) Any fees for breakfast and lunch programs; and
 1 (12) The waiver policy pursuant to section 79-2,133.
 2 No fee, specialized equipment or attire, or
 3 nonspecialized attire may be required pursuant to the Public
 4 Elementary and Secondary Student Fee Authorization Act unless the
 5 maximum dollar amount of the fee, the specifications for the
 6 specialized equipment or attire, or the specifications for the
 7 nonspecialized attire are specified in the student fee policy
 8 approved by the board. Reimbursement pursuant to subdivision (6)
 9 of section 79-2,127 for property lost or damaged by a student may
 10 be required without specification in the student fee policy.
 11 Sec. 11. Original section 79-235, Reissue Revised
 12 Statutes of Nebraska, and sections 79-2,125 to 79-2,128 and
 13 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002, are
 14 repealed.
 15 Sec. 12. The following section is outright repealed:
 16 Section 79-2,130, Revised Statutes Supplement, 2002.
 17 Sec. 13. Since an emergency exists, this act takes
 18 effect when passed and approved according to law."
 19 2. On page 1, strike beginning with "79-237" in line 1
 20 through line 5 and insert "79-235, Reissue Revised Statutes of
 21 Nebraska, and sections 79-2,125 to 79-2,128 and 79-2,131 to
 22 79-2,134, Revised Statutes Supplement, 2002; to change provisions
 23 relating to eligibility for extracurricular activities; to change
 24 and eliminate provisions of the Public Elementary and Secondary
 25 Student Fee Authorization Act; to harmonize provisions; to repeal
 26 the original sections; to outright repeal section 79-2,130, Revised
 27 Statutes Supplement, 2002; and to declare an emergency.".

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senators Vrtiska and Raikes filed the following amendment to LB 303:

AM1419

(Amendments to E & R amendments, AM7100)

- 1 1. Strike sections 6 and 7 and insert the following new
- 2 sections:
- 3 "Sec. 6. Enforcement of section 60-6,279 by state or
- 4 local law enforcement agencies shall be accomplished only as a
- 5 secondary action when a driver of a motor vehicle has been cited or
- 6 charged with a violation or some other offense.
- 7 Sec. 7. Section 60-601, Revised Statutes Supplement,
- 8 2002, is amended to read:
- 9 60-601. Sections 60-601 to 60-6,377 and section 6 of
- 10 this act shall be known and may be cited as the Nebraska Rules of
- 11 the Road."
- 12 2. Renumber the remaining sections, correct the repealer
- 13 and internal references accordingly, and correct the operative date
- 14 section so that the sections added by this amendment become
- 15 operative on January 1, 2005.

Senators Bromm, Burling, and Kremer filed the following amendment to
LB 754:

AM1577

(Amendments to E & R amendments, AM7099)

- 1 1. On page 5, strike the new matter in lines 15 through
- 2 27 and insert "The applicant for a conditional use permit or
- 3 special exception may request a final determination of the special
- 4 conditions or requirements to be imposed by the county planning
- 5 commission or by the county board of commissioners or supervisors
- 6 if the board has not authorized the commission to exercise such
- 7 authority. Upon request the commission or board shall issue such
- 8 final determination of the special conditions or requirements to be
- 9 imposed in a timely manner. Such special conditions or
- 10 requirements to be imposed may include, but are not limited to, the
- 11 submission of information that may be separately provided to state
- 12 or federal agencies in applying to obtain the applicable state and
- 13 federal permits. The commission or the board may request and
- 14 review, prior to making a final determination of the special
- 15 conditions or requirements to be imposed, reasonable information
- 16 relevant to the conditional use or special exception. If a final
- 17 determination of the special conditions or requirements to be
- 18 imposed has been made, final permit approval may be withheld
- 19 subject only to a final review by the commission or county board to
- 20 determine that there is not a substantial change in the applicant's
- 21 proposed use of the property upon which the final determination was
- 22 based and that the applicant has met, or will meet, the special
- 23 conditions or requirements imposed in the final determination.".

Senator Beutler filed the following amendment to LB 754:

FA1338

Amend AM7099

On page 1, line 17 change "shall" to "may"

Senator Landis filed the following amendment to LB 759:
AM1561

(Amendments to E & R amendments, AM7114)

- 1 1. Strike section 14.
- 2 2. On page 44, lines 22 and 27, strike "77-2704.24,".
- 3 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 759:
AM1598

(Amendments to E & R amendments, AM7114)

- 1 1. Strike section 17 and all amendments thereto and
- 2 insert the following new section:
- 3 "Sec. 17. Section 77-2715.02, Revised Statutes
- 4 Supplement, 2002, 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 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
- 16 joint returns;
- 17 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
- 18 head-of-household returns;
- 19 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
- 20 separate returns; and
- 21 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
- 22 trusts;
- 23 (b) The amount in column C shall be the total amount of
- 1 the tax imposed on income less than the amount in column A;
- 2 (c) The amount in column D shall be the rate on the
- 3 income in excess of the amount in column E;
- 4 (d) For taxable years beginning or deemed to begin ~~before~~
- 5 ~~January 1, 2003, and for taxable years beginning or deemed to begin~~
- 6 on or after January 1, 2004, under the Internal Revenue Code of
- 7 1986, as amended, the primary rate set by the Legislature shall be
- 8 multiplied by the following factors to compute the tax rates for
- 9 column D. The factors for the brackets, from lowest to highest
- 10 bracket, shall be ~~.6784, .9432, 1.3541, and 1.8054~~ .7027, .9784,
- 11 1.4054, and 1.873;
- 12 (e) For taxable years beginning or deemed to begin on or
- 13 after January 1, 2003, and before January 1, 2004, under the
- 14 Internal Revenue Code of 1986, as amended, the primary rate set by

15 the Legislature shall be multiplied by the following factors to
 16 compute the tax rates for column D. The factors for the brackets,
 17 from lowest to highest bracket, shall be .6932, .9646, 1.3846, and
 18 1.848;

19 (f) The amounts for column C shall be rounded to the
 20 nearest dollar, and the amounts in column D shall be rounded to
 21 hundredths of one percent; and

22 (g) One rate schedule shall be established for each
 23 federal filing status.

24 (3) The tax rate schedules shall use the format set forth
 25 in this subsection.

	A	B	C	D	E
26	Taxable income	but not	pay	plus	of the
27	over	over			amount over

1 (4) The tax rate applied to other federal taxes included
 3 in the computation of the Nebraska individual income tax shall be
 4 eight times the primary rate.

5 (5) The Tax Commissioner shall prepare, from the rate
 6 schedules, tax tables which can be used by a majority of the
 7 taxpayers to determine their Nebraska tax liability. The design of
 8 the tax tables shall be determined by the Tax Commissioner. The
 9 size of the tax table brackets may change as the level of income
 10 changes. The difference in tax between two tax table brackets
 11 shall not exceed fifteen dollars. The Tax Commissioner may build
 12 the personal exemption credit and standard deduction amounts into
 13 the tax tables.

14 (6) The Tax Commissioner may require by rule and
 15 regulation that all taxpayers shall use the tax tables if their
 16 income is less than the maximum income included in the tax
 17 tables."

Senator Beutler filed the following amendment to LB 407:
 AM1600

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 15, lines 25 and 26; and page 16, lines 1 and
- 2 3, strike each occurrence of "8,833,762" and insert "11,313,762".
- 3 2. On page 16, after line 4 insert the following new
- 4 paragraph:
- 5 "Until FY2009-2010, the allocation of state aid from
- 6 funds appropriated in this section shall be calculated based on the
- 7 amount appropriated under this section plus an additional \$520,000,
- 8 and the amount of state aid calculated for a city of the primary
- 9 class shall be reduced by the amount received by the city of the
- 10 primary class under the Municipal Infrastructure Redevelopment Fund
- 11 Act for the fiscal year. Beginning with FY2009-2010, the amount of
- 12 aid to municipalities appropriated under this section shall be
- 13 increased by \$520,000."

Senator Maxwell filed the following amendment to LB 407:

AM1601

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 17, strike line 18 and insert
- 2 "GENERAL FUND 813,142,705 186,563,396"
- 3 and strike line 22 and insert
- 4 "PROGRAM TOTAL 1,021,639,625 395,482,079".
- 5 2. On page 18, line 10, strike "\$616,263,742" and insert
- 6 "-0-".

RESOLUTIONS

LEGISLATIVE RESOLUTION 79. Introduced by Vrtiska, 1.

WHEREAS, Colonel Barney Oldfield is to be remembered for his continued interest in humanity and his generosity to many philanthropic organizations; and

WHEREAS, Colonel Barney Oldfield was born December 18, 1909, in Tecumseh, Nebraska. He attended the Long Branch Country School for grade school and attended Elk Creek High School, from which he graduated as one of the two students in his class; and

WHEREAS, Colonel Barney Oldfield attended the University of Nebraska and graduated with a degree in journalism and after graduation worked for the Lincoln Journal-Star newspaper as a writer, columnist, and reviewer; and

WHEREAS, Colonel Barney Oldfield was the first newspaperman to become a paratrooper when the U.S. Army started this elite branch of military service. His career took him to over 80 countries in every continent; and

WHEREAS, Colonel Barney Oldfield experienced a long and remarkable career in public relations which included working as a press secretary for General Dwight Eisenhower during World War II; and

WHEREAS, Colonel Barney Oldfield had wide-ranging careers, including Hollywood publicist, script and magazine writer, and world-recognized expert in international relations, both in uniform and as a business man, specializing in East/West trade during the Cold War; and

WHEREAS, Colonel Barney Oldfield was the author of eight books; and

WHEREAS, Colonel Barney Oldfield was recognized in the "Who's Who in the World"; and

WHEREAS, among his philanthropic activities, Colonel Barney Oldfield was credited for initiating and contributing to the "Dollars for Scholars Program", a national network for community-based scholarship programs; and

WHEREAS, Colonel Barney Oldfield will be remembered for his interest and generous contributions to research on Alzheimer's Disease, from which his beloved wife, Vada, suffered for many years before her death; and

WHEREAS, Colonel Barney Oldfield will be remembered for his noteworthy accomplishments throughout his life and his generous spirit in sharing his good fortune with students to help them obtain a good education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors the life of Colonel Barney Oldfield and his many accomplishments and philanthropic endeavors.

2. That a copy of this resolution be sent to the family of Colonel Barney Oldfield.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by Burling, 33.

WHEREAS, Garret W. Larsen of Hastings, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; 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, May 4, 2003, Garret W. Larsen 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Garret W. Larsen on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Garret W. Larsen.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Maxwell and D. Pederson asked unanimous consent to have their names added as cointroducers to LR 77. No objections. So ordered.

ADJOURNMENT

At 6:04 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Tuesday, April 29, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 29, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 29, 2003

PRAYER

The prayer was offered by Senator Jones.

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 Senators Brashear, Combs, Landis, and McDonald who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Reengrossed**

The following bill was correctly reengrossed: LB 358.

Correctly Engrossed

The following bills were correctly engrossed: LBs 160, 255, 367, 626, 735, and 735A.

ER9051

Enrollment and Review Change to LB 160

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Engel-Kremer amendment, AM0629:

a. On page 8, lines 1, 20, and 23 and 24; page 10, line 20; and page 11, line 26, "sections 54-1901 to 54-1915" has been struck, shown as stricken,

and "the Nebraska Meat and Poultry Inspection Law" inserted; and

b. On page 12, line 5, an underscored comma has been inserted after "matter".

2. On page 1, line 2, "and" has been struck; in line 3 "54-1902, 54-1906, and 54-1914," has been inserted after the first comma; and in line 6 "and animal importation" has been struck and ", animal importation, and meat and poultry inspection; to define and redefine terms" inserted.

ER9052

Enrollment and Review Change to LB 367

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Preister et al. amendment, AM1323:

a. On page 1, line 5, "(1)" has been inserted after the period; in line 9 "(1)" has been struck, shown as stricken, and "(a)" inserted; in line 10 "(2)" has been struck, shown as stricken, and "(b)" inserted; in line 12 "(3)" has been struck, shown as stricken, and "(c)" inserted; and in line 16 "(2)" has been inserted before "Money";

b. On page 2, line 23, "(3)" has been inserted before "Transfers"; and

c. On page 3, line 1, "(4)" has been inserted before "Any".

2. In the E & R amendments, AM7103, on page 1, the matter beginning with "section" in line 2 through "9-812" in line 3 has been struck and "sections 9-812 and 66-1519" inserted; and the matter beginning with "transfer" in line 6 through "Tank" in line 7 has been struck and "grant to a city of the metropolitan class from the Petroleum Release Remedial Action Cash" inserted.

ER9053

Enrollment and Review Change to LB 626

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Preister amendment, AM1421:

a. On page 6, line 10, "contracts for" has been struck; and

b. On page 7, line 9, the comma has been struck.

2. On page 1, the matter beginning with "provide" in line 1 through line 2 has been struck and "amend section 81-1118, Revised Statutes Supplement, 2002; to provide requirements for contracts for services; to change requirements for purchases and leases of personal property; and to repeal the original section." inserted.

(Signed) Ray Mossey, Chairperson

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 402. Title read. Considered.

The Standing Committee amendment, AM1390, found on page 1414, 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 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 404. Title read. Considered.

The Standing Committee amendment, AM1387, found on page 1419, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 406. Title read. Considered.

The Standing Committee amendment, AM1386, found on page 1422, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 407. Title read. Considered.

The Standing Committee amendment, AM1111, printed separately and referred to on page 1425, was considered.

Senator Beutler renewed his pending amendment, AM1600, found on page 1507, to the Standing Committee amendment.

Senator Beutler withdrew his amendment.

Senator Mines offered the following amendment to the Standing Committee amendment:
AM1610

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 15, lines 25 and 26, strike each occurrence
- 2 of "8,833,762" and insert "11,833,762".

Senator Mines withdrew his amendment.

SPEAKER BROMM PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senators Schrock, Stuhr, Cunningham, McDonald, Connealy, and Preister filed the following amendment to LB 143:
AM1608

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Passenger tire equivalent of waste tires means
- 3 twenty pounds of waste tire or processed waste tire.".
- 4 2. On page 2, lines 3 and 10, strike "section 3" and
- 5 insert "sections 3 and 4"; in line 25 strike "establishing" and
- 6 insert "defining beneficial reuse and establishing construction
- 7 standards and other"; in line 26 strike "(a) the", show as
- 8 stricken, and insert "the following: (a) The"; and in line 28
- 9 strike the last comma, show as stricken, and insert an underscored
- 10 semicolon.
- 11 3. On page 3, line 5, strike the second comma and insert
- 12 a semicolon; and in line 7 after the period insert "In developing
- 13 construction standards, the council shall consider standards and
- 14 practices established by the American Society for Testing and
- 15 Materials.".
- 16 4. On page 4, strike beginning with "Any" in line 10
- 17 through line 18, show the old matter as stricken, and insert "Any
- 18 person, business, or other entity engaged in the business of
- 19 picking up, hauling, and transporting scrap tires for storage,
- 20 processing, or recycling shall obtain a permit from the department
- 21 before engaging in such activity. The council may adopt rules and
- 22 regulations regarding such permits and may exempt from permit
- 23 requirements those entities having involvement with scrap tires
- 1 which is incidental to their primary business activity. Persons
- 2 holding a permit on the effective date of this act may continue to
- 3 operate under such permits until new rules and regulations are
- 4 established under this section. As a condition for obtaining a
- 5 permit under this section, the department shall require the
- 6 permittee to provide the department with an annual report
- 7 indicating the number of scrap tires hauled, the location of the
- 8 delivery of such scrap tires, and any additional information the
- 9 council believes necessary to accomplish the purposes of the
- 10 Integrated Solid Waste Management Act.".

- 11 5. On page 5, line 10, after "(3)" insert "(a)"; and in
12 line 13 after the last "tire" insert ";
- 13 (b) On and after September 1, 2003, placing or causing
14 the placement or disposal of scrap tires in any form into the
15 waters of the state is prohibited except as provided in section
16 13-2033; and
- 17 (c) Tires are not considered disposed if they are (i)
18 processed into crumb rubber form and reused or recycled in
19 manufactured products such as, but not limited to, products used
20 for schools, playgrounds, and residential, lawn, and garden
21 applications, (ii) used as tire-derived fuel, (iii) retreaded, (iv)
22 processed into chip or shred form and used as drainage media in
23 landfill construction or septic drain fields, (v) used as a raw
24 material in steelmaking, or (vi) processed into shred form and used
25 as an alternative daily cover in a landfill or for a civil
26 engineering project if such project is designed and constructed in
27 compliance with the Engineers and Architects Regulation Act and
1 prior approval for such project is obtained from the department by
2 the tire shredder and the end user, except that departmental
3 approval is not necessary for a tire project involving three
4 thousand five hundred or fewer passenger tire equivalents of waste
5 tires if the department receives notification of the project not
6 later than thirty days prior to any construction on such project.
7 The notification shall contain the name and address of the tire
8 shredder and end user, the location of the project, a description
9 of the type of project, the number of passenger tire equivalents of
10 waste tires to be used, and any additional information the council
11 determines is necessary to accomplish the purposes of the
12 Integrated Solid Waste Management Act".
- 13 5. On page 16, line 9, strike the new matter and
14 reinstate the stricken "one million".
- 15 6. On page 17, line 21, after "collection" insert "and
16 disposal".
- 17 7. Renumber the remaining sections accordingly.

Senator Smith filed the following amendment to LB 500:
AM1278

- 1 1. On page 5, line 3, after "board" insert "shall
2 receive no compensation for their services as members of the board
3 but"; strike beginning with the comma in line 24 through the comma
4 in line 25 and show as stricken; in line 25 strike "examination",
5 show as stricken, and insert "application"; and strike beginning
6 with "who" in line 27 through line 28 and show the old matter as
7 stricken.
- 8 2. On page 6, strike beginning with "city" in line 1
9 through the comma in line 3 and show the old matter as stricken; in
10 line 5 after "examination" insert an underscored period; strike
11 beginning with "upon" in line 5 through line 6 and show as
12 stricken; and strike beginning with "Manage" in line 25 through

13 "operations" in line 27 and insert "Understand principles
14 pertaining to highway, road, and street operations and to
15 management of personnel, contractors, and equipment".
16 3. On page 8, line 11, after the period insert "If the
17 board determines that good cause was not shown or if the license
18 holder requests renewal as a Class B licensee, the board shall
19 issue a Class B license."; strike beginning with "(3)" in line 12
20 through the period in line 15; in line 17 strike "(4)" and insert
21 "(3)"; strike beginning with "fifteen" in line 20 through
22 "satisfied" in line 22 and insert "one and one-half of the
23 triennial requirements for professional development"; and strike
24 beginning with "Take" in line 24 through the semicolon in line 27
1 and insert "Reapply under section 9 of this act;".
2 4. On page 9, strike beginning with "Members" in line 24
3 through "expenses" in line 27, show the old matter as stricken, and
4 insert "Expenses of the members of the board of examiners as
5 provided in section 39-2304 shall be paid".
6 5. On page 10, strike beginning with "capable" in line
7 15 through "performing" in line 16, show as stricken, and insert
8 "who actually performs".
9 6. On page 11, strike beginning with "to" in line 1
10 through "and" in line 2 and show as stricken; in line 3 before "a"
11 insert "the county's one-year and six-year plans for highway, road,
12 and street improvements as set forth in sections 39-2115 to 39-2117
13 and 39-2119 and"; in line 5 strike "subdivision's", show as
14 stricken, and insert "county's" and after "plans" insert "as set
15 forth in section 39-2120"; and in line 14 before "Population"
16 insert "Rural".
17 7. On page 12, line 8, strike "with different license
18 levels"; in line 17 strike the new matter and reinstate the
19 stricken matter; in line 18 strike "superintendent"; in line 20
20 after "39-2503" insert "or two-thirds of the reduced incentive
21 payment provided in subsection (1) of this section, as determined
22 by the Department of Roads pursuant to section 39-2505"; and in
23 line 23 strike "employment", show as stricken, and insert
24 "services".
25 8. On page 13, line 8, strike "capable" through
26 "performing", show as stricken, and insert "who actually performs";
27 strike beginning with "to" in line 21 through "and" in line 22 and
1 show as stricken; in line 23 before "a" insert "the one-year and
2 six-year plans of the municipality or municipal county for highway,
3 road, and street improvements as set forth in sections 39-2115 to
4 39-2117 and 39-2119 and"; and in line 25 strike "subdivision's" and
5 show as stricken and after "plans" insert "of the municipality or
6 municipal county as set forth in section 39-2120".
7 9. On page 15, line 8, strike "with" through "levels";
8 in line 17 strike the new matter and reinstate the stricken matter;
9 in line 20 after "39-2513" insert "or to the reduced incentive
10 payment provided in subsection (1) of this section, as determined

11 by the Department of Roads pursuant to section 39-2515"; and in
12 line 23 strike "employment", show as stricken, and insert
13 "services".

VISITORS

Visitors to the Chamber were Roland and Adelyne Koranda from Wahoo and Janet Koranda from Fremont; 27 fourth-grade students and teachers from Anderson Grove Elementary School, Bellevue; 26 fourth-grade students and teachers from Plainview; 17 fourth-grade students and teacher from Overton; students and teacher from Concordia High School, Omaha; and 53 fourth-grade students and teachers from Harrison Elementary School, Omaha.

RECESS

At 11:56 a.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 Engel, Jensen, Kruse, Landis, Loudon, Mines, and Price who were excused until they arrive.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 156. Placed on Select File as amended.

E & R amendment to LB 156:

AM7117

- 1 1. In the Standing Committee amendments, AM0762:
- 2 a. On page 2, line 7, strike the comma;
- 3 b. On page 4, line 22, strike "subsection" and insert
- 4 "subdivision"; and
- 5 c. On page 5, lines 2 and 3, strike ", corporation, or
- 6 association" and show as stricken.

Correctly Engrossed

The following bills were correctly engrossed: LBs 210 and 724.

ER9055

Enrollment and Review Change to LB 210

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler et al. amendment, AM1584, on page 1, line 2, "subdivisions" has been struck and "subdivision" inserted.

2. In the Bromm et al. amendment, AM1599, on page 1, the matter beginning with the semicolon in line 1 through "2" in line 2 has been struck; and the matter beginning with the last "and" in line 6 through "26" in line 7 has been struck.

3. In the Bromm amendment, AM1587, on page 1, lines 5 and 8 and 9, "subdivisions (2)(d)(i) and (2)(d)(ii)" has been struck and "subdivision (2)(d)" inserted; in line 10 "one or both subdivisions" has been struck and "such subdivision" inserted; and in line 15 "both subdivisions" has been struck and "such subdivision" inserted.

4. In the E & R amendments, AM7098, on page 2, line 20, "subdivisions" has been struck and "subdivision" inserted.

ER9054

Enrollment and Review Change to LB 724

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "to amend section 83-1079, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon; and in line 2 "; to change provisions relating to release of certain committed persons; and to repeal the original section" has been inserted after "Act".

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 407. The Standing Committee amendment, AM1111, printed separately and referred to on page 1425 and considered in this day's Journal, was renewed.

SPEAKER BROMM PRESIDING

The Standing Committee amendment was adopted with 32 ayes, 11 nays, and 6 present and not voting.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion # 03010

DATE: April 23, 2003

SUBJECT: Does the "Office of the Nebraska Capitol

Commission" Proposed to be Created Under LB 755
Constitute an "Executive Office of the State" Under
Neb. Const. art. IV, § 27, Requiring Approval by a
Two-Thirds Majority Vote of the Legislature?

REQUESTED BY: Senator Carroll Burling
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding whether the "Office of the Nebraska Capitol Commission" proposed to be established under LB 755, as amended by AM470, would create a new "executive state office" under Neb. Const. art. IV, § 27, which would require approval by a two-thirds majority vote of the Legislature. For the reasons set forth below, we do not believe that the proposed "Office of the Capitol Commission" would be an "executive state office" within the intent and meaning of art. IV, § 27.

On several occasions, the Nebraska Supreme Court has construed the phrase "executive state office" in art. IV, § 27. In *Mekota v. State Bd. of Equal.*, 146 Neb. 370, 19 N.W.2d 633 (1945), the Court considered whether legislation establishing the Department of Industrial Development created a new "executive state office" within the meaning of art. IV, § 27. In addressing this issue, the Court quoted from its earlier opinion in *State v. Loechner*, 65 Neb. 814, 818-19, 91 N.W. 874, 875 (1902), where it noted that "[a]n executive officer, in the proper sense of the term, is one whose duties are mainly to cause the laws to be executed; such as the president, the governor of a state, or the chief executive officer of a city. It pertains to the execution and enforcement of the laws by one charged with that particular duty." 146 Neb. at 382, 19 N.W.2d at 640. Noting the various "named and defined" purposes of the Department of Industrial Development, and the numerous powers and duties granted the Department, "without anything the purport of which [was] to subject the department or any of its personnel to any type of control, supervision, or direction in the accomplishment of its purposes or the performance of its powers and duties to any other department of the state or any official thereof. . .", the Court concluded the Department was "a new executive state office within the meaning of" art. IV, § 27, which was not validly created because the legislation creating the Department did not receive the required two-thirds vote of the Legislature.

Shortly after its decision in *Mekota*, the Court, in *State ex rel. Howard v. Marsh*, 146 Neb. 750, 21 N.W.2d 503 (1946), considered whether the Department of Agriculture and Inspection was an executive department of the state within the meaning of Neb. Const. art. IV, § 1, created pursuant to art. IV, § 27, as well as whether the Director of the Department was an executive officer within the meaning of art. IV, § 1.¹ In concluding the Department was an executive department of the state, and that its director was an executive officer, the Court noted the Department was one of six

departments legislatively created "for the purpose of aiding the Governor in the execution and administration of the laws" of the State, and outlined at length the "vast powers and functions which [were] conferred upon the Department of Agriculture and Inspection" to enforce and administer various general laws. *Id.* at 756-762, 21 N.W.2d at 506-510.

A few months after deciding *Marsh*, the Court, in *State ex rel. Johnson v. Chase*, 147 Neb. 758, 25 N.W.2d 1 (1946), held that the Nebraska Liquor Control Commission was not an executive department of the state, and Commissioners were thus not "heads of an executive department" within the meaning of art. IV, § 1. The Court's opinion included a discussion of the historical background surrounding Nebraska's constitutional provisions relating to executive departments and officers. In particular, the Court noted that the Constitution of 1875 set forth the specific offices of the executive department, and prohibited the creation of other executive state offices. 147 Neb. at 764, 25 N.W.2d at 5. In 1919, the Legislature adopted the "Civil Administrative Code", which vested civil administration in the Governor, and established several executive and administrative departments to aid the Governor, including the Department of Finance, the Department of Agriculture, the Department of Labor, the Department of Trade and Commerce, the Department of Public Welfare, and the Department of Public Works. *Id.* at 765, 21 N.W.2d at 5-6. The 1919 Legislature also called a constitutional convention, which convened in 1920. *Id.* at 766, 21 N.W.2d at 6. During the constitutional convention proceedings leading to the adoption of the new Constitution in 1920, "the question arose as to how executive offices and officers should be treated in such Constitution." *Id.* at 767, 21 N.W.2d at 6. A committee report prepared on this issue noted the prohibition against creation of executive offices in the Constitution of 1875 "made the Constitution of 1875 very rigid as to the creation of other executive offices. . . ." *Id.* Because many duties had evolved which could not be performed by the executive departments established in the Constitution, and the Legislature was prohibited from creating new executive departments, "the Legislature went into the makeshift of creating boards to perform the functions of the executive department which were or could not be performed by the individual officers by reason of the constitutional limitations that were placed upon the power of the Legislature." *Id.* "The Civil Administrative Code bill was an attempt to remedy some of the difficulties occurring in this respect." *Id.* The boards previously established to perform various functions were eliminated by the Code and six departments "with executive heads appointed by the governor. . ." were established, thus "for the first time in the legislative history of the state" creating "what [were] known as 'heads of executive departments.'" *Id.* at 768, 21 N.W.2d at 6-7. Discussing the import of this history in relation to the question presented, the Court in *Chase* stated:

The phrase 'heads of executive departments' could mean nothing more than the heads of the code departments of 1919, or as provided for in section 1, article IV, of the Constitution of 1920, '* * * such other executive departments as may be established by law.' It is therefore clear

that the language used in the code law, and the language used in the present Constitution refers to executive departments created, or to be created, within the limitations of the Constitution. It is obvious that this language does not foreclose the right or power of the Legislature to create boards or bureaus or departments that deal singly with independent legislation such as, in the instant case, the Nebraska Liquor Control Commission. . . .

Id. at 768, 21 N.W.2d at 7.

The Court further noted that "[t]he Legislature, over a long period of years, interpreted the Constitution as permitting the creation of boards, commissions, and agencies that are not executive departments within the constitutional definition. . .", citing as examples the Nebraska Aeronautics Commission, the Game, Forestation and Parks Commission, the Board of Examiners and Professional Engineers and Architects, the State Real Estate Commission, "and other boards and bureaus too numerous to mention." Id. at 776, 21 N.W.2d at 11. "A careful analysis" of the duties of such boards and commissions "disclose[d] that they have some executive duties to perform, but they deal primarily with special independent subjects removed from the category of executive departments as defined and recognized by law. . ." Id. Emphasizing the limited functions performed by such creations, the Court stated:

Every commission that exercises executive duties in some capacity cannot be narrowed to the definition of being an executive department under the governor. The full purport of the act under consideration, the duties involved with the subject matter as distinguished from executive officers enumerated in the Constitution and under the statutes, make it perfectly plain that the Legislature was not creating an executive department when it created the Nebraska Liquor Control Commission.

Id. at 777, 21 N.W.2d at 11.

Stating "[t]he distinction between executive departments of government and many other executive or independent agencies, though difficult of definition, is and has been recognized from the beginning by the federal government. . .", the Court in Chase cited with approval from *Burnap v. United States*, 252 U.S. 512, 515 (1920), in which the U. S. Supreme Court stated: "'The term 'head of a Department' means. . . the Secretary in charge of a great division of the executive branch of the Government, . . . It does not include heads of bureaus or lesser divisions.'" 147 Neb. at 777, 21 N.W.2d at 11. The Chase Court found this language "appropriate in the instant case", noting that "[o]ne of the very important tests is that the department, if executive, has primarily to do with the political government of the state in the execution and enforcement of the law wherein the Governor is the supreme executive power." Id. at 777-78, 21 N.W.2d at 11. As the Liquor Control Commission established "an independent, bipartisan body of experts charged with duties that pertain to an independent subject. . .", the Court

reasoned it could not "in any proper sense be characterized as an arm or eye of the executive", and a member of the Commission thus could not "possibly be said to the head of an executive department. . . ." Id. at 778 780, 21 N.W.2d at 12.

Finally, in *Sommerville v. Johnson*, 149 Neb. 167, 30 N.W.2d 577 (1948), the Court considered whether the Nebraska Merit System Act was unconstitutional because it created a new "executive state office" without receiving the vote of a two-thirds majority of the Legislature as required by art. IV, § 27. The Court, as it did in *Chase*, reviewed the history of the constitutional provisions governing executive departments and officers. Id. at 170-174, 30 N.W.2d at 580-81. Referencing the Proceedings of the Constitutional Convention of 1919-20, the Court stated:

What did the Constitutional Convention intend when they used the words 'executive officers,' 'heads of such other executive departments,' and 'executive state office' in the amendments which the people adopted? . . . [I]t appears that the Constitutional Convention, when using the terms above quoted, did so with the meaning that they were referring to officers and departments and offices that had the comparable scope, functions, and purposes of the officers, departments, and offices specifically named in the amendment. . . Again, as we said in the *Chase* opinion,. . . , it does not indicate an intent to restrict the 'power of the Legislature to create boards or bureaus or departments that deal singly with independent legislation.'

149 Neb. at 173-74, 30 N.W.2d at 581.

Based on this standard, the *Sommerville* Court phrased the question before it as follows:

Does the act here under attack and the offices it creates reasonably compare with the scope, powers, and functions of the established executive officers and departments, within the executive department of government named in the Constitution, or do they properly classify in the group of administrative officers and activities that have always been recognized as within the power of the Legislature to create?

Id. at 174, 30 N.W.2d at 581-82.

After reviewing the purpose, structure, and duties provided under the Merit System Act, the Court concluded it did not create an "executive state office":

It is evident that the Legislature here established an agency in the nature of a civil service commission. It created a council to guide and direct the administration of the act. . . It is intended to promote efficiency, economy, and equality as to salaries for comparable work in the participating agencies. It depends in part upon cooperative effort between the council, the director, and the participating agencies. It administers no law save the

law by which it was created. It deals with state officials and those who are or desire to be employees of the state in the limited classifications. It executes none of the laws of the state so far as they relate to the people generally. We think it quite clear that it does not create an executive department nor an executive state office within the meaning of the constitution[]. . . .

Id. at 177, 30 N.W.2d at 583.

The Nebraska Supreme Court's decisions interpreting the term "executive state office" in art. IV, § 27, indicate that the phrase is understood to apply only to departments and offices of State government which are comparable in scope, function, and purpose to the executive officers established in art. IV, § 1, and the "heads of executive departments" established by law pursuant to this constitutional provision. These executive departments are those identified in Neb. Rev. Stat. § 81-101 (Cum. Supp. 2002), and the heads of those departments are established by Neb. Rev. Stat. § 81-102 (Cum. Supp. 2002). These executive departments and officers are involved principally in the execution and enforcement of general laws of the state. "[B]oards, bureaus, departments, or commissions that deal singly with independent legislation" are not "executive state offices" within the meaning of art. IV, § 27. Chase, 147 Neb. at 768, 21 N.W.2d at 7.

An analysis of the purposes, powers, and duties of the proposed "Office of the Nebraska Capitol Commission" [the "Office"] under LB 755, as amended, demonstrates that the Office would not be an "executive state office" within the meaning of art. IV, § 27. The Office would be part of the Nebraska Capitol Commission [the "Commission"], and headed by a State Capitol Administrator [the "Administrator"]. The primary functions of the Office would be facilities planning, facilities construction, and facilities administration of the State Capitol and capitol grounds. The Administrator would be appointed by the Governor upon recommendation by the Commission. The Administrator would be required to take the constitutional oath of office before serving, and be bonded, but is not subject to approval by the Legislature. The Commission would replace the Director of the Department of Administrative Services as the designated custodian of the State Capitol and capitol grounds, and the Administrator, under the direction and oversight of the Governor, would be granted control and power to maintain the State Capitol and capitol grounds. The Administrator would essentially assume the powers and duties currently performed by the State Building Administrator appointed by the Director of the Department of Administrative Services pursuant to Neb. Rev. Stat. § 81-1108.17 (1999) with respect to maintenance and control of the State Capitol and capitol grounds. In addition, the Administrator would develop a recommended office space utilization plan for the State Capitol to be approved by the Commission which accommodates elected constitutional officers, and would be responsible for determining the space needs of departments and agencies of the state located in the Capitol.

The purposes, powers, and duties of the Office under LB 755, as amended, are limited in scope, and pertain specifically to the maintenance, preservation, and utilization of the State Capitol and capitol grounds. The Office would not be charged with enforcing and executing laws of the state generally. The Office is properly viewed as a commission dealing "singly with independent legislation", and thus not an "executive state office" within the intent and meaning of art. IV, § 27. Accordingly, it is our opinion that LB 755, as amended, may be validly enacted without receiving the two-thirds majority vote required by art. IV, § 27, and that a simple majority vote of the Legislature would be sufficient to create the Office.

¹ At the time Marsh was decided, Neb. Const. art. IV, § 1, provided, in pertinent part: "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Superintendent of Public Instruction and the heads of such other executive departments as may be established by law." 146 Neb. at 753, 21 N.W.2d at 505. Article IV, § 1, currently provides the "executive officers of the state" include the same named officers, with the exception of the Superintendent of Public Instruction, as well as "the heads of such other executive departments of government as set forth herein or as may be established by law." Neb. Const. art. IV, § 1.

Very truly yours,
JON BRUNING
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature
07-17-09

RESOLUTION

LEGISLATIVE RESOLUTION 81. Introduced by Thompson, 14.

The Legislature finds that:

- (1) The recruitment and retention of fire and emergency personnel is a priority to all Nebraska communities;
- (2) The pension plans for firefighters in cities of the first class have not been reviewed since their revision in the 1980's; and
- (3) Cities of the first class are at a competitive disadvantage in retaining their firefighters because of stagnant growth in existing pension plans versus firefighting pension plans in cities of the primary and metropolitan classes.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall conduct an interim study to determine the implications of allowing existing firefighter pension plans of cities of the first class to serve as a

minimum pension standard and of allowing all cities of the first class the opportunity to upgrade existing firefighter pension plans.

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 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.

Board of Public Roads Classifications and Standards
Edward R. Wootton Sr.

VOTE: Aye: Senators Smith, Hudkins, Dw. Pedersen, Aguilar, Jones, Stuthman, and Baker. Nay: None. Absent: Senator Brown.

(Signed) Tom Baker, Chairperson

AMENDMENTS - Print in Journal

Senator Bourne filed the following amendments to LB 479:
AM1611

(Amendments to AM1382)

- 1 1. Strike amendments 2 and 3 and renumber the remaining
- 2 amendments accordingly.

AM1612

(Amendments to Standing Committee amendments, AM0852)

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 66-1345.02, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 66-1345.02. (1) The first purchaser, at the time of sale
- 5 or delivery, shall retain the excise tax as provided in subsection
- 6 (1) of section 66-1345.01 and shall maintain the necessary records
- 7 of the excise tax for each sale or delivery of corn or grain
- 8 sorghum. Records maintained by the first purchaser shall provide
- 9 (a) the name and address of the seller or deliverer, (b) the date
- 10 of the sale or delivery, (c) the number of bushels of corn or
- 11 hundredweight of grain sorghum sold or delivered, and (d) the
- 12 amount of excise tax retained on each sale or delivery. The
- 13 records shall be open for inspection and audit by authorized
- 14 representatives of the Department of Agriculture during normal
- 15 business hours observed by the first purchaser.

16 (2) The first purchaser shall render and have on file
17 with the department by the last day of each January, April, July,
18 and October on forms prescribed by the department a statement of
19 the number of bushels of corn and hundredweight of grain sorghum
20 sold or delivered in Nebraska. At the time the statement is filed,
21 the first purchaser shall pay and remit to the department the
22 excise tax.

23 (3) The department shall remit the excise tax collected
1 to the State Treasurer for credit to the Ethanol Production
2 Incentive Cash Fund within thirty days after the end of each
3 quarter.

4 (4) The department shall calculate its costs in
5 collecting and enforcing the excise tax imposed by subsection (1)
6 of section 66-1345.01 and shall report such costs to the Department
7 of Administrative Services within thirty days after the end of the
8 fiscal year. Sufficient funds to cover such costs shall be
9 transferred from the Ethanol Production Incentive Cash Fund to the
10 Management Services Expense Revolving Fund at the end of each
11 calendar month. Funds shall be transferred upon the receipt of a
12 report of costs incurred by the Department of Agriculture for the
13 previous calendar month by the Department of Administrative
14 Services."

15 2. On page 14, lines 15, 17, and 19, strike "tax", show
16 as stricken, and insert "taxes".

17 3. On page 15, line 7, before "An" insert "(1)".

18 4. On page 17, after line 2 insert the following new
19 subsection:

20 "(2)(a) From August 1, 2003, through July 31, 2009, there
21 is imposed an excise tax of five dollars per dry ton upon the gross
22 tonnage of all sales in this state of distiller's grain or gluten
23 feed generated by an ethanol facility that has received credits
24 under the Ethanol Development Act. The tax shall be paid by the
25 seller of the distiller's grain or gluten feed.

26 (b) The excise tax shall be remitted to the Department of
27 Revenue for credit to the Ethanol Production Incentive Cash Fund.
1 Payment of the tax shall be accompanied by a report setting forth
2 the gross tonnage of distiller's grain or gluten feed sold by the
3 seller. The report shall be on a form prescribed by the department
4 and shall include such other information as the Tax Commissioner
5 deems necessary. The provisions of the Nebraska Revenue Act of
6 1967 applicable to sales and use taxes shall apply to imposition of
7 the excise tax.

8 (c) The Tax Commissioner may adopt and promulgate rules
9 and regulations to carry out this subsection."; and in line 26
10 strike "66-1345.01" and insert "66-1345.02".

11 5. Renumber the remaining sections accordingly.

- 1 1. On page 10, line 25, after the period insert "If the
2 hearing officer determines after a hearing that the department's
3 position is valid, the ethanol producer shall reimburse the
4 department for the entire cost of the hearing and any money
5 expended by the department in its defense.".

AM1620

(Amendments to Standing Committee amendments, AM0852)

- 1 1. On page 8, line 12, after the period insert "Failure
2 to comply with this section is a Class I misdemeanor.".

AM1622

(Amendments to Standing Committee amendments, AM0852)

- 1 1. On page 17, strike lines 20 through 24 and show the
2 old matter as stricken.

AM1619

(Amendments to Standing Committee amendments, AM0852)

- 1 1. On page 7, line 24, strike "three" and insert "two".

AM1618

(Amendments to Standing Committee amendments, AM0852)

- 1 1. On page 7, strike beginning with "Claims" in line 17
2 through line 20.

AM1613

(Amendments to Standing Committee amendments, AM0852)

- 1 1. On page 5, lines 14 and 15, strike "eight thousand
2 two hundred nineteen" and insert "eight thousand three hundred
3 thirty-three".

GENERAL FILE

LEGISLATIVE BILL 407. Senator Maxwell renewed his pending amendment, AM1601, found on page 1507.

Senator Maxwell moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Maxwell amendment lost with 11 ayes, 27 nays, and 11 present and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senators Schrock, McDonald, Connealy, Preister, Cunningham, and Stuhr

filed the following amendment to LB 143:
AM1623

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Passenger tire equivalent of waste tires means
- 3 twenty pounds of waste tire or processed waste tire.".
- 4 2. On page 2, lines 3 and 10, strike "section 3" and
- 5 insert "sections 3 and 4"; in line 25 strike "establishing" and
- 6 insert "defining beneficial reuse and establishing construction
- 7 standards and other"; in line 26 strike "(a) the", show as
- 8 stricken, and insert "the following: (a) The"; and in line 28
- 9 strike the last comma, show as stricken, and insert an underscored
- 10 semicolon.
- 11 3. On page 3, line 5, strike the second comma and insert
- 12 a semicolon; and in line 7 after the period insert "In developing
- 13 construction standards, the council shall consider standards and
- 14 practices established by the American Society for Testing and
- 15 Materials.".
- 16 4. On page 4, strike beginning with "Tires" in line 2
- 17 through line 18, show the old matter as stricken, and insert "Any
- 18 person, business, or other entity engaged in the business of
- 19 picking up, hauling, and transporting scrap tires for storage,
- 20 processing, or recycling shall obtain a permit from the department
- 21 before engaging in such activity. The council may adopt rules and
- 22 regulations regarding such permits and may exempt from permit
- 23 requirements those entities having involvement with scrap tires
- 1 which is incidental to their primary business activity. Persons
- 2 holding a permit on the effective date of this act may continue to
- 3 operate under such permits until new rules and regulations are
- 4 established under this section. As a condition for obtaining a
- 5 permit under this section, the department shall require the
- 6 permittee to provide the department with an annual report
- 7 indicating the number of scrap tires hauled, the location of the
- 8 delivery of such scrap tires, and any additional information the
- 9 council believes necessary to accomplish the purposes of the
- 10 Integrated Solid Waste Management Act.".
- 11 5. On page 5, line 10, after "(3)" insert "(a)"; and in
- 12 line 13 after the last "tire" insert ";
- 13 (b) On and after September 1, 2003, placing or causing
- 14 the placement or disposal of scrap tires in any form into the
- 15 waters of the state is prohibited except as provided in section
- 16 13-2033; and
- 17 (c) Tires are not considered disposed if they are (i)
- 18 processed into crumb rubber form and reused or recycled in
- 19 manufactured products such as, but not limited to, products used
- 20 for schools, playgrounds, and residential, lawn, and garden
- 21 applications, (ii) used as tire-derived fuel, (iii) retreaded, (iv)
- 22 processed into chip or shred form and used as drainage media in
- 23 landfill construction or septic drain fields, (v) used as a raw

24 material in steelmaking, or (vi) processed into shred form and used
 25 as an alternative daily cover in a landfill or for a civil
 26 engineering project if such project is designed and constructed in
 27 compliance with the Engineers and Architects Regulation Act and
 1 prior approval for such project is obtained from the department by
 2 the tire shredder and the end user, except that departmental
 3 approval is not necessary for a tire project involving three
 4 thousand five hundred or fewer passenger tire equivalents of waste
 5 tires if the department receives notification of the project not
 6 later than thirty days prior to any construction on such project.
 7 The notification shall contain the name and address of the tire
 8 shredder and end user, the location of the project, a description
 9 of the type of project, the number of passenger tire equivalents of
 10 waste tires to be used, and any additional information the council
 11 determines is necessary to accomplish the purposes of the
 12 Integrated Solid Waste Management Act".
 13 5. On page 16, line 9, strike the new matter and
 14 reinstate the stricken "one million".
 15 6. On page 17, line 21, after "collection" insert "and
 16 disposal".
 17 7. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 407. Senator Chambers offered the following amendment:

FA1340

Amend AM1111

Strike Section 174.

SENATOR CUDABACK PRESIDING

Senators Friend and Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following motion:

Bracket until May 25, 2003.

Senators Bourne and Brown asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Kruse filed the following amendment to LB 411:
 AM1617

- 1 1. On page 4, line 4, strike the new matter and
- 2 reinstate the stricken matter.

Senator Wehrbein filed the following amendment to LB 798:
AM1636

- 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."

ANNOUNCEMENT

Senator Landis announced the Revenue Committee will hold an executive session Wednesday, April 30, 2003, at 9:00 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were 44 fourth-grade students and sponsors from St. Thomas More School, Omaha; Shaun Smith, Ben Powers, and Jonathan Yang from Pius X High School, Lincoln; and Doug and Cory Kassmeier from Lincoln.

The Doctor of the Day was Dr. Bruce Gfeller from Lincoln.

ADJOURNMENT

At 5:39 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, April 30, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - APRIL 30, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 30, 2003

PRAYER

The prayer was offered by Senator Combs.

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 Bourne who was excused; and Senators Brashear, Brown, Hudkins, Landis, Maxwell, Dw. Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 75 and 76 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 75 and 76.

MOTIONS - Approve Appointments

Senator Janssen moved the adoption of the General Affairs Committee report for the confirmation of the following appointments found on page 1473: Nebraska Arts Council - Louise Bereuter, Joan Gibson, Robin Koozer, Art Thompson, Robert Wolfe, and Meredith Zutavern.

Voting in the affirmative, 32:

Aguilar	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Burling	Foley	Louden	Schimek	Vrtiska
Byars	Friend	McDonald	Schrock	Wehrbein
Chambers	Janssen	Mines	Stuhr	
Cudaback	Johnson	Mossey	Stuthman	
Cunningham	Jones	Pederson, D.	Synowiecki	

Voting in the negative, 0.

Present and not voting, 9:

Baker	Combs	Hartnett	Preister	Smith
Beutler	Connealy	Jensen	Redfield	

Excused and not voting, 8:

Bourne	Brown	Landis	Pedersen, Dw.
Brashear	Hudkins	Maxwell	Raikes

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Janssen moved the adoption of the General Affairs Committee report for the confirmation of the following appointment found on page 1473: State Electrical Board - Edwin C. Bergstraesser.

Voting in the affirmative, 32:

Aguilar	Cunningham	Kremer	Pederson, D.	Synowiecki
Bromm	Engel	Kruse	Preister	Thompson
Burling	Erdman	Louden	Price	Tyson
Byars	Foley	McDonald	Quandahl	Vrtiska
Chambers	Friend	Mines	Schimek	
Combs	Janssen	Mossey	Schrock	
Cudaback	Jones	Pedersen, Dw.	Stuthman	

Voting in the negative, 0.

Present and not voting, 10:

Baker	Connealy	Jensen	Redfield	Stuhr
Beutler	Hartnett	Johnson	Smith	Wehrbein

Excused and not voting, 7:

Bourne	Brown	Landis	Raikes
Brashear	Hudkins	Maxwell	

The appointment was confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 407. Senator Chambers withdrew his pending motion, found on page 1529, to bracket until May 25, 2003.

Senator Chambers offered the following amendment:

AM1606

(Amendments to Standing Committee amendments, AM1111)

- 1 Purpose: To restore FY2004-05 funding for the Commission on
- 2 Mexican-Americans and the Commission on Indian Affairs and restore
- 3 FY2003-04 and FY2004-05 funding for the Nebraska Commission on the
- 4 Status of Women.
- 5 Amendment:
- 6 1. On page 1, line 1, after "sections" insert "except
- 7 section 148".
- 8 2. Strike section 159.
- 9 3. On page 116, strike line 24 and insert "GENERAL FUND
- 10 191,685 194,896"; strike line 25 and insert "CASH FUND 3,900
- 11 3,900"; strike line 26 and insert "PROGRAM TOTAL 195,585
- 12 198,796"; and strike line 27 and insert "SALARY LIMIT 98,824
- 13 102,035".
- 14 4. On page 123, strike line 9 and insert "GENERAL FUND
- 15 173,817 177,734"; strike line 10 and insert "PROGRAM TOTAL 173,817
- 16 177,734"; and strike line 11 and insert "SALARY LIMIT 111,937
- 17 115,854".

Senator Wehrbein requested a division of the question on the Chambers amendment.

The Chair sustained the division of the question.

The first Chambers amendment is as follows:

FA1342

(Amendments to Standing Committee amendments, AM1111)

- 9 3. On page 116, strike line 24 and insert "GENERAL FUND
- 10 191,685 194,896"; strike line 25 and insert "CASH FUND 3,900
- 11 3,900"; strike line 26 and insert "PROGRAM TOTAL 195,585
- 12 198,796"; and strike line 27 and insert "SALARY LIMIT 98,824
- 13 102,035".
- 14 4. On page 123, strike line 9 and insert "GENERAL FUND
- 15 173,817 177,734"; strike line 10 and insert "PROGRAM TOTAL 173,817
- 16 177,734"; and strike line 11 and insert "SALARY LIMIT 111,937
- 17 115,854".

SENATOR CUDABACK PRESIDING

Senators Jones and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The first Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The second Chambers amendment is as follows:

FA1341

(Amendments to Standing Committee amendments, AM1111)

- 6 1. On page 1, line 1, after "sections" insert "except
- 7 section 148".
- 8 2. Strike section 159.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 82. Introduced by Quandahl, 31.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation to provide for interstate review of life insurance, annuities, disability income, and possibly long-term care products.

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 83. Introduced by Quandahl, 31.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation to require that the Department of Insurance review rates charged for personal lines property and casualty insurance on a file and use basis.

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.

AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB 759:
AM1627

(Amendments to E & R amendments, AM7114)

- 1 1. Strike sections 7, 9, 10, 15, and 16.
- 2 2. On page 8, lines 15 and 20, strike "5, 6, and 15" and
- 3 insert "5 and 6".
- 4 3. On page 15, strike beginning with "The" in line 5
- 5 through "(f)" in line 11; in line 13 strike "(g)" and insert "(f)";
- 6 in line 18 strike "(h)" and insert "(g)"; in line 21 strike "(i)"
- 7 and insert "(h)"; and in line 22 strike "(j)" and insert "(i)".
- 8 4. On page 24, line 18, strike "(i)" and insert "(h)".
- 9 5. On page 44, line 21, strike "77-2702.05,"; in line 22
- 10 strike "77-2704.33,"; and in line 24 strike "77-2702.13,
- 11 77-2702.17,".
- 12 6. Renumber the remaining sections accordingly.

Senator Hartnett filed the following amendment to LB 759:
AM1624

(Amendments to E & R amendments, AM7114)

- 1 1. On page 8, lines 26 and 27, strike "purchasing air
- 2 time on television or radio."
- 3 2. On page 9, line 3, strike "or media time".

Senators Hartnett and Chambers filed the following amendment to LB 759:
AM1625

(Amendments to E & R amendments, AM7114)

- 1 1. On page 42, lines 20 and 21, strike ".6932, .9646,
- 2 1.3846, and 1.848", show as stricken, and insert ".708, .986,
- 3 1.415, and 1.89".

GENERAL FILE

LEGISLATIVE BILL 407. Senator Schimek offered the following amendment to the Chambers pending amendment:

FA1343

Amend FA1341

Add new amendment 3.

On page 60, line 17 strike "187,383" and insert "-0-"; in line 18 strike "5,000" and insert "-0-"; in line 19 strike "192,383" and insert "-0-"; and in line 20 strike "130,168" and insert "-0-".

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

SPEAKER BROMM PRESIDING

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

Senator Schimek moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Wehrbein requested a roll call vote, in reverse order, on the Schimek amendment.

Voting in the affirmative, 14:

Aguilar	Chambers	Hartnett	Louden	Schimek
Beutler	Combs	Kruse	McDonald	Stuthman
Byars	Connealy	Landis	Pedersen, Dw.	

Voting in the negative, 23:

Baker	Erdman	Kremer	Quandahl	Thompson
Bromm	Foley	Mines	Raikes	Vrtiska
Burling	Jensen	Mossey	Redfield	Wehrbein
Cunningham	Johnson	Pederson, D.	Smith	
Engel	Jones	Price	Synowiecki	

Present and not voting, 8:

Brown	Hudkins	Maxwell	Schrock
Friend	Janssen	Preister	Stuhr

Excused and not voting, 4:

Bourne	Brashear	Cudaback	Tyson

The Schimek amendment lost with 14 ayes, 23 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The second Chambers pending amendment, FA1341, found in this day's Journal, was renewed.

The second Chambers amendment lost with 11 ayes, 22 nays, 12 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:

AM1638

(Amendments to Standing Committee amendments, AM1111)

1. Purpose: Eliminate appropriations for all student

2 financial aid programs administered by the Coordinating Commission
3 for Postsecondary Education.

4 Amendment:

5 1. Strike sections 170, 171, 172, and 174.

6 2. Renumber the remaining sections and correct internal
7 references accordingly.

SENATOR JANSSEN PRESIDING

SPEAKER BROMM PRESIDING

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

The Chambers 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 29 ayes, 12 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 403. Title read. Considered.

The Standing Committee amendment, AM1307, printed separately and referred to on page 1419, 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.

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

LEGISLATIVE BILL 403A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Landis, 46; Quandahl, 31.

PURPOSE: The purpose of this resolution is to continue the in-depth study in Nebraska of the Uniform Trust Code which was promulgated by the National Conference of Commissioners on Uniform State Laws in 2000 and recommended to the states as the first comprehensive nationwide codification of the law of trusts. This ongoing study process has been previously conducted pursuant to study resolutions LR 94 (2001) and LR 367 (2002) and has led to the introduction and enactment of the

Nebraska Uniform Trust Code by LB 130 (2003). LB 130 provides that it does not become operative until January 1, 2005, with the intention of allowing an extended opportunity to determine whether further amendments to the code as enacted and to related statutes should be submitted to the Legislature for consideration in the 2004 regular session. In order to carry out the purpose of this resolution, the committee's review should include, as it deems necessary and beneficial, the input and assistance of interested persons, legal and scholarly commentary nationwide on the Uniform Trust Code, and legislation on this subject in other jurisdictions.

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.

VISITORS

Visitors to the Chamber were 30 third- and fourth-grade students from Dorchester; 38 fourth-grade students and teacher from Centennial Elementary School, Utica; and 53 fourth-grade students and teachers from Skyline Elementary School, Elkhorn.

RECESS

At 11:54 a.m., on a motion by Senator Dw. Pedersen, 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 Bourne who was excused.

GENERAL FILE

LEGISLATIVE BILL 408. Title read. Considered.

The Standing Committee amendment, AM1388, printed separately and referred to on page 1425, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Senators Engel and Erdman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 410. Title read. Considered.

The Standing Committee amendment, AM1347, printed separately and referred to on page 1425, 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 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 415. Title read. Considered.

SPEAKER BROMM PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 424. Title read. Considered.

The Standing Committee amendment, AM1389, found on page 1425, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 798. Title read. Considered.

The Standing Committee amendment, AM1430, found on page 1432, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Wehrbein renewed his pending amendment, AM1636, found on page 1530.

The Wehrbein amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SENATOR SCHIMEK PRESIDING

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not

voting, and 4 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment, AM0849, found on page 913, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT **Revenue**

LEGISLATIVE BILL 285. Placed on General File as amended.
(Standing Committee amendment, AM1643, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 402. Placed on Select File as amended.
(E & R amendment, AM7118, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 404. Placed on Select File.

LEGISLATIVE BILL 405. Placed on Select File.

LEGISLATIVE BILL 406. Placed on Select File as amended.

E & R amendment to LB 406:

AM7119

- 1 1. Strike original section 4 and all amendments thereto
- 2 and insert the following new section:
- 3 "Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.
- 4 The definitions contained in the Nebraska Accounting
- 5 System Manual, and any amendments thereto, on file with the Clerk
- 6 of the Legislature are hereby adopted by the Legislature as the
- 7 definitions for this act.
- 8 In order to facilitate the ongoing conversion from the
- 9 Nebraska Accounting System (NAS) to the Nebraska Information System
- 10 (NIS) and in order to facilitate the technical requirements of the
- 11 Nebraska Information System, the budget administrator of the budget
- 12 division of the Department of Administrative Services may provide
- 13 to the Accounting Administrator a listing of duplicate

14 appropriations program numbers and descriptions and their
15 recommended replacements. The Accounting Administrator may
16 implement such replacement program numbers and descriptions in the
17 Nebraska Information System at such time as is most expeditious and
18 amenable for the accounting division and budget division of the
19 Department of Administrative Services and for the state agencies
20 involved. The budget administrator shall inform the Legislative
21 Fiscal Analyst of all such changes as they are completed in the
22 Nebraska Information System."

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 282:
AM1634

(Amendments to Final Reading copy)

- 1 1. On page 15, line 23, strike "and private
- 2 communication service".

MESSAGE FROM THE GOVERNOR

April 30, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 97, 112e, 118, 148, 149, 197e, 200, 235, 258, 267, 307, 332e, 349, 354, 444, 464, 476, 480, 481, 494, 498, 510, 521, 548, 610, 701, and 707 were received in my office on April 25, 2003.

These bills were signed and delivered to the Secretary of State on April 30, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

GENERAL FILE

LEGISLATIVE BILL 804. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 796. 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 411. Title read. Considered.

The Standing Committee amendment, AM1082, found on page 1136, was considered.

SENATOR CUDABACK PRESIDING

The Standing Committee amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Kruse renewed his pending amendment, AM1617, found on page 1529.

The Kruse amendment lost with 9 ayes, 12 nays, 26 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 412. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.

The Standing Committee amendment, AM0287, found on page 491, 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 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 622. Title read. Considered.

The Standing Committee amendment, AM0854, found on page 959, was considered.

Senator Landis moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Standing Committee amendment was adopted with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 685. Title read. Considered.

The Standing Committee amendment, AM1349, printed separately and referred to on page 1459, 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.

SPEAKER BROMM PRESIDING

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 32:
AM1631

- 1 1. Strike original section 13 and insert the following
- 2 new section:
- 3 "Sec. 13. Property that does not contain impervious
- 4 surfaces shall not be subject to the charges authorized pursuant to
- 5 sections 18-501 to 18-512 and sections 1 and 10 to 16 of this
- 6 act.".

Senator Brashear filed the following amendment to LB 46:
AM1651

(Amendments to Final Reading copy)

- 1 1. On page 80, line 21, after the period insert
- 2 "Sections 12, 13, 21, and 22 of this act become operative on July
- 3 1, 2003."

Senator Brashear filed the following amendment to LB 46A:
AM1458

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 7. There is hereby appropriated (1) \$9,000 from
- 3 the General Fund for FY2003-04 and (2) \$9,000 from the General Fund
- 4 for FY2004-05 to the Supreme Court, for Program 67, to aid in
- 5 carrying out the provisions of Legislative Bill 46, Ninety-eighth
- 6 Legislature, First Session, 2003.
- 7 Sec. 8. There is hereby appropriated (1) \$9,000 from the
- 8 General Fund for FY2003-04 and (2) \$9,000 from the General Fund for
- 9 FY2004-05 to the Department of Correctional Services, for Program
- 10 200, to aid in carrying out the provisions of Legislative Bill 46,
- 11 Ninety-eighth Legislature, First Session, 2003."
- 12 2. On page 2, strike lines 7 through 9.
- 13 3. On page 3, strike lines 6 through 8.

14 4. Renumber the remaining section accordingly.

Senator Beutler filed the following amendment to LB 440:
AM1661

(Amendments to AM1414)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 18-2603, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 18-2603. For purposes of the Municipal Infrastructure
- 6 Redevelopment Fund Act:
- 7 (1) Bond means any evidence of indebtedness, including,
- 8 but not limited to, bonds, notes including notes issued pending
- 9 long-term financing arrangements, warrants, debentures, obligations
- 10 under a loan agreement or a lease-purchase agreement, or any
- 11 similar instrument or obligation;
- 12 (2) Fund means the Municipal Infrastructure Redevelopment
- 13 Fund;
- 14 (3) Infrastructure project means any of the following
- 15 projects, or any combination thereof, to be owned or operated by a
- 16 municipality: Solid waste management facilities; wastewater, storm
- 17 water, and water treatment works and systems, water distribution
- 18 facilities, and water resources projects, including, but not
- 19 limited to, pumping stations, transmission lines, and mains and
- 20 their appurtenances; hazardous waste disposal systems; resource
- 21 recovery systems; airports; port facilities; buildings and capital
- 22 equipment used in the operations and activities of municipal
- 23 government and to provide services to the residents of the
- 1 municipality; convention and tourism facilities; redevelopment
- 2 projects as defined in section 18-2103; and mass transit and other
- 3 transportation systems, including parking facilities and excluding
- 4 public highways and bridges and municipal roads, streets, and
- 5 bridges;
- 6 (4) Municipal allocation amount means, for each
- 7 municipality, the amount derived by multiplying the amount to be
- 8 allocated by the fraction determined by dividing the total
- 9 population of the municipality by the total population of the state
- 10 living in municipalities, each as determined by the most recent
- 11 federal census figures certified by the Tax Commissioner as
- 12 provided in section 77-3,119; and
- 13 (5) Municipality means any city of any class or any
- 14 village in the state, except that for fiscal years 2003-04 and
- 15 2004-05, municipality means only cities of the primary class.
- 16 Sec. 2. Section 77-2602, Revised Statutes Supplement,
- 17 2002, is amended to read:
- 18 77-2602. (1) Every person engaged in distributing or
- 19 selling cigarettes at wholesale in this state shall pay to the Tax
- 20 Commissioner of this state a special privilege tax. This shall be
- 21 in addition to all other taxes. It shall be paid prior to or at

22 the time of the sale, gift, or delivery to the retail dealer in the
23 several amounts as follows: On each package of cigarettes
24 containing not more than twenty cigarettes, sixty-four cents per
25 package until October 1, 2004, and thirty-four cents per package
26 commencing October 1, 2004; and on packages containing more than
27 twenty cigarettes, the same tax as provided on packages containing
1 not more than twenty cigarettes for the first twenty cigarettes in
2 each package and a tax of one-twentieth of the tax on the first
3 twenty cigarettes on each cigarette in excess of twenty cigarettes
4 in each package. Commencing July 1, 1994, and continuing until
5 July 1, 2005, the State Treasurer shall place the equivalent of
6 twenty-one cents of such tax less five hundred twenty thousand
7 dollars each fiscal year of proceeds of such tax in the General
8 Fund. Commencing July 1, 2005, and continuing until July 1, 2009,
9 the State Treasurer shall place the equivalent of twenty-one cents
10 of such tax less three million dollars each fiscal year of proceeds
11 of such tax in the General Fund. Commencing July 1, 2009, the
12 State Treasurer shall place the equivalent of twenty-one cents of
13 such tax in the General Fund. For purposes of this section, the
14 equivalent of a specified number of cents of the tax shall mean
15 that portion of the proceeds of the tax equal to the specified
16 number divided by the tax rate per package of cigarettes containing
17 not more than twenty cigarettes. The State Treasurer shall
18 distribute the remaining proceeds of such tax in the following
19 order:

20 (a) First, beginning July 1, 1980, the State Treasurer
21 shall place the equivalent of one cent of such tax in the Nebraska
22 Outdoor Recreation Development Cash Fund. For fiscal year
23 distributions occurring after FY1998-99, the distribution under
24 this subdivision shall not be less than the amount distributed
25 under this subdivision for FY1997-98. Any money needed to increase
26 the amount distributed under this subdivision to the FY1997-98
27 amount shall reduce the distribution to the General Fund;

1 (b) Second, beginning July 1, 1993, the State Treasurer
2 shall place the equivalent of three cents of such tax in the
3 Department of Health and Human Services Finance and Support Cash
4 Fund to carry out sections 81-637 to 81-640. For fiscal year
5 distributions occurring after FY1998-99, the distribution under
6 this subdivision shall not be less than the amount distributed
7 under this subdivision for FY1997-98. Any money needed to increase
8 the amount distributed under this subdivision to the FY1997-98
9 amount shall reduce the distribution to the General Fund;

10 (c) Third, beginning July 1, 2001, and continuing until
11 October 1, 2002, the State Treasurer shall place the equivalent of
12 five cents of such tax in the Building Renewal Allocation Fund.
13 Beginning October 1, 2002, and continuing until October 1, 2004,
14 the State Treasurer shall place the equivalent of seven cents of
15 such tax in the Building Renewal Allocation Fund. Beginning
16 October 1, 2004, and continuing until all the purposes of the

17 Deferred Building Renewal Act have been fulfilled, the State
18 Treasurer shall place the equivalent of five cents of such tax in
19 the Building Renewal Allocation Fund. The Legislature shall
20 appropriate each fiscal year all sums inuring to the fund, plus
21 interest earnings for the Task Force for Building Renewal to be
22 used to carry out its duties and to fulfill the purposes of the
23 Deferred Building Renewal Act. Unexpended balances existing at the
24 end of each fiscal year shall be, and are hereby, reappropriated.
25 For fiscal year distributions occurring after FY1998-99, the
26 distribution under this subdivision shall not be less than
27 five-sevenths of the amount distributed under this subdivision for
1 FY1997-98. Any money needed to increase the amount distributed
2 under this subdivision to five-sevenths of the FY1997-98 amount
3 shall reduce the distribution to the General Fund;

4 (d) Fourth, until October 1, 2002, and beginning on
5 October 1, 2004, the State Treasurer shall place the difference
6 between the equivalent of thirteen cents of such tax and the sum of
7 the amounts distributed pursuant to subdivisions (a) through (c)
8 and (f) through (h) of this subsection in a special fund to be
9 known as the Nebraska Capital Construction Fund. Beginning October
10 1, 2002, and continuing until October 1, 2004, the State Treasurer
11 shall place the difference between the equivalent of forty-three
12 cents of such tax and the sum of the amounts distributed pursuant
13 to subdivisions (a) through (c) and (f) through (i) of this
14 subsection in the Nebraska Capital Construction Fund;

15 (e) Fifth, continuing until July 1, 2005, the State
16 Treasurer shall place in the Municipal Infrastructure Redevelopment
17 Fund the sum of five hundred twenty thousand dollars each fiscal
18 year to carry out the Municipal Infrastructure Redevelopment Fund
19 Act, and beginning July 1, 1994 2005, and continuing until July 1,
20 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 five hundred twenty thousand dollars each year for fiscal years
25 2003-04 and 2004-05. The Legislature shall appropriate the sum of
26 three million dollars each year for fiscal year ~~1994-95~~ 2005-06
27 through 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;

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 in the Cash Reserve
22 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, (h) the
20 City of the Metropolitan Class Development Fund, and (i) the Cash
21 Reserve Fund shall not be made a higher priority than or an equal
22 priority to any of the programs or projects specified in
23 subdivisions (a) through (i) of this subsection.
24 Sec. 3. Original sections 18-2603 and 77-2602, Revised
25 Statutes Supplement, 2002, are repealed."

UNANIMOUS CONSENT - Member Excused

Senator Connealy asked unanimous consent to be excused. No objections.
So ordered.

GENERAL FILE**LEGISLATIVE BILL 806.** Title read. Considered.

The Standing Committee amendment, AM0932, found on page 1041, was considered.

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

AM1652

(Amendments to Standing Committee amendments, AM0932)

- 1 1. On page 1, after line 10 insert
- 2 "Claim No. 01-323, against the Office of the
- 3 Attorney General, pay to Hall County Attorney,
- 4 c/o Jerom Janulewicz,
- 5 P.O. Box 367,
- 6 Grand Island, NE 68802,
- 7 out of the General Fund. 90.00
- 8 Claim No. 01-352, against the Office of the Attorney
- 9 General, pay to Edmond Talbot,
- 10 Washington County Attorney,
- 11 1555 Colfax,
- 12 Blair, NE 68008,
- 13 out of the General Fund 227.50
- 14 Claim No. 01-377, against the Office of the Attorney
- 15 General, pay to Keith County Attorney,
- 16 c/o Deborah Gilg,
- 17 P.O. Box 29,
- 18 Ogallala, NE 69153,
- 19 out of the General Fund. 1,500.00
- 20 Claim No. 01-450, against the Office of the Attorney
- 21 General, pay to Hall County Attorney,
- 22 c/o Jerom Janulewicz,
- 23 P.O. Box 367,
- 1 Grand Island, NE 68802,
- 2 out of the General Fund. 117.00
- 3 Claim No. 01-473, against the Office of the Attorney
- 4 General, pay to Melodie Bellamy,
- 5 Buffalo County Attorney's Office,
- 6 P.O. Box 67,
- 7 Kearney, NE 68848,
- 8 out of the General Fund. 150.00
- 9 Claim No. 01-474, against the Office of the Attorney
- 10 General, pay to Melodie Bellamy,
- 11 Buffalo County Attorney's Office,
- 12 P.O. Box 67,
- 13 Kearney, NE 68848,
- 14 out of the General Fund 150.00
- 15 Claim No. 01-475, against the Office of the Attorney

16 General, pay to <u>Melodie Bellamy</u> ,	
17 Buffalo County Attorney's Office,	
18 P.O. Box 67,	
19 Kearney, NE 68848,	
20 out of the General Fund.	100.00
21 Claim No. 01-476, against the Office of the Attorney	
22 General, pay to <u>Melodie Bellamy</u> ,	
23 Buffalo County Attorney's Office,	
24 P.O. BOX 67,	
25 Kearney, NE 68848,	
26 out of the General Fund.	300.00
27 Claim No. 01-786, against the Office of the Attorney	
1 General, pay to <u>John Freudenberg</u> ,	
2 Box 490,	
3 Rushville, NE 69360,	
4 out of the General Fund.	450.00
5 Claim No. 02-075, against the Office of the Attorney	
6 General, pay to <u>Melanie Young</u> ,	
7 Buffalo County Attorney's Office,	
8 P.O. Box 67,	
9 Kearney, NE 68848,	
10 out of the General Fund.	33.00
11 Claim No. 02-181, against the Office of the Attorney	
12 General, pay to <u>McPherson County Attorney</u> ,	
13 P.O. Box 1605,	
14 North Platte, NE 69103,	
15 out of the General Fund.	500.00
16 Claim No. 02-276, against the Office of the Attorney	
17 General, pay to <u>Melodie Bellamy</u> ,	
18 Buffalo County Attorney's Office,	
19 P.O. Box 67,	
20 Kearney, NE 68848,	
21 out of the General Fund.	175.00
22 Claim No. 02-277, against the Office of the Attorney	
23 General, pay to <u>Melodie Bellamy</u> ,	
24 Buffalo County Attorney's Office,	
25 P.O. Box 67,	
26 Kearney, NE 68848,	
27 out of the General Fund.	225.00
1 Claim No. 02-278, against the Office of the Attorney	
2 General, pay to <u>Melodie Bellamy</u> ,	
3 Buffalo County Attorney's Office,	
4 P.O. Box 67,	
5 Kearney, NE 68848,	
6 out of the General Fund.	400.00
7 Claim No. 02-279, against the Office of the Attorney	
8 General, pay to <u>Melodie Bellamy</u> ,	
9 Buffalo County Attorney's Office,	
10 P.O. Box 67,	

11 Kearney, NE 68848, 12 out of the General Fund.	225.00
13 Claim No. 02-280, against the Office of the Attorney 14 General, pay to <u>Melodie Bellamy</u> , 15 Buffalo County Attorney's Office, 16 P.O. Box 67, 17 Kearney, NE 68848, 18 out of the General Fund.	125.00
19 Claim No. 02-281, against the Office of the Attorney 20 General, pay to <u>Melodie Bellamy</u> , 21 Buffalo County Attorney's Office, 22 P.O. Box 67, 23 Kearney, NE 68848, 24 out of the General Fund.	325.00
25 Claim No. 02-282, against the Office of the Attorney 26 General, pay to <u>Melodie Bellamy</u> , 27 Buffalo County Attorney's Office, 1 P.O. Box 67, 2 Kearney, NE 68848, 3 out of the General Fund.	100.00
4 Claim No. 02-283, against the Office of the Attorney 5 General, pay to <u>Melodie Bellamy</u> , 6 Buffalo County Attorney's Office, 7 P.O. Box 67, 8 Kearney, NE 68848, 9 out of the General Fund.	450.00
10 Claim No. 02-284, against the Office of the Attorney 11 General, pay to <u>Melodie Bellamy</u> , 12 Buffalo County Attorney's Office, 13 P.O. Box 67, 14 Kearney, NE 68848, 15 out of the General Fund.	325.00
16 Claim No. 02-285, against the Office of the Attorney 17 General, pay to <u>Melodie Bellamy</u> , 18 Buffalo County Attorney's Office, 19 P.O. Box 67, 20 Kearney, NE 68848, 21 out of the General Fund.	200.00
22 Claim No. 02-286, against the Office of the Attorney 23 General, pay to <u>Melodie Bellamy</u> , 24 Buffalo County Attorney's Office, 25 P.O. Box 67, 26 Kearney, NE 68848, 27 out of the General Fund.	250.00
1 Claim No. 02-287, against the Office of the Attorney 2 General, pay to <u>Melodie Bellamy</u> , 3 Buffalo County Attorney's Office, 4 P.O. Box 67, 5 Kearney, NE 68848,	

6 out of the General Fund.	175.00
7 Claim No. 02-288, against the Office of the Attorney	
8 General, pay to <u>Melodie Bellamy</u> ,	
9 Buffalo County Attorney's Office,	
10 P.O. Box 67,	
11 Kearney, NE 68848,	
12 out of the General Fund.	250.00
13 Claim No. 02-289, against the Office of the Attorney	
14 General, pay to <u>Melodie Bellamy</u> ,	
15 Buffalo County Attorney's Office,	
16 P.O. Box 67,	
17 Kearney, NE 68848,	
18 out of the General Fund.	250.00
19 Claim No. 02-290, against the Office of the Attorney	
20 General, pay to <u>Melodie Bellamy</u> ,	
21 Buffalo County Attorney's Office,	
22 P.O. Box 67,	
23 Kearney, NE 68848,	
24 out of the General Fund.	100.00
25 Claim No. 02-291, against the Office of the Attorney	
26 General, pay to <u>Melodie Bellamy</u> ,	
27 Buffalo County Attorney's Office,	
1 P.O. Box 67,	
2 Kearney, NE 68848,	
3 out of the General Fund.	150.00
4 Claim No. 02-310, against the Office of the Attorney	
5 General, pay to <u>John Freudenberg</u> ,	
6 Box 490,	
7 Rushville, NE 69360,	
8 out of the General Fund.	540.00
9 Claim No. 02-400, against the Office of the Attorney	
10 General, pay to <u>John Freudenberg</u> ,	
11 Box 490,	
12 Rushville, NE 69360,	
13 out of the General Fund.	434.00
14 Claim No. 02-401, against the Office of the Attorney	
15 General, pay to <u>John Freudenberg</u> ,	
16 Box 490,	
17 Rushville, NE 69360,	
18 out of the General Fund.	448.00";
19 and after line 21 insert	
20 "Claim No. 02-452, against the Office of the	
21 Attorney General, pay to <u>John Freudenberg</u> ,	
22 Box 490,	
23 Rushville, NE 69360,	
24 out of the General Fund.	262.50".
25 2. On page 2, after line 3 insert	
26 "Claim No. 02-510, against the Office of the	
27 Attorney General, pay to <u>John Freudenberg</u> ,	

1 Box 490,	
2 Rushville, NE 69360,	
3 out of the General Fund.	133.00
4 Claim No. 02-511, against the Office of the Attorney	
5 General, pay to <u>John Freudenberg</u> ,	
6 Box 490,	
7 Rushville, NE 69360,	
8 out of the General Fund.	371.00
9 Claim No. 02-512, against the Office of the Attorney	
10 General, pay to <u>John Freudenberg</u> ,	
11 Box 490,	
12 Rushville, NE 69360,	
13 out of the General Fund.	189.00
14 Claim No. 02-513, against the Office of the Attorney	
15 General, pay to <u>John Freudenberg</u> ,	
16 Box 490,	
17 Rushville, NE 69360,	
18 out of the General Fund.	196.00
19 Claim No. 02-542, against the Office of the Attorney	
20 General, pay to <u>John Freudenberg</u> ,	
21 Box 490,	
22 Rushville, NE 69360,	
23 out of the General Fund.	342.00
24 Claim No. 02-543, against the Office of the Attorney	
25 General, pay to <u>John Freudenberg</u> ,	
26 Box 490,	
27 Rushville, NE 69360,	
1 out of the General Fund.	357.00
2 Claim No. 02-583, against the Office of the Attorney	
3 General, pay to <u>John Freudenberg</u> ,	
4 Box 490,	
5 Rushville, NE 69360,	
6 out of the General Fund.	448.00";
7 after line 15 insert	
8 "Claim No. 02-652, against the Office of the	
9 Attorney General, pay to <u>John Freudenberg</u> ,	
10 Box 490,	
11 Rushville, NE 69360,	
12 out of the General Fund.	1,190.00";
13 after line 22 insert	
14 "Claim No. 02-732, against the Office of the	
15 Attorney General, pay to <u>Thomas Donner</u> ,	
16 Cuming County Attorney,	
17 137 S. Main Street, Suite 2,	
18 West Point, NE 68788,	
19 out of the General Fund.	198.00
20 Claim No. 02-733, against the Office of the Attorney	
21 General, pay to <u>Thomas Donner</u> ,	
22 Cuming County Attorney,	

23 137 S. Main Street, Suite 2,	
24 West Point, NE 68788,	
25 out of the General Fund.	45.00
26 Claim No. 02-734, against the Office of the Attorney	
27 General, pay to <u>Thomas Donner</u> ,	
1 Cuming County Attorney,	
2 137 S. Main Street, Suite 2,	
3 West Point, NE 68788,	
4 out of the General Fund.	396.00
5 Claim No. 02-735, against the Office of the Attorney	
6 General, pay to <u>Thomas Donner</u> ,	
7 Cuming County Attorney,	
8 137 S. Main Street, Suite 2,	
9 West Point, NE 68788,	
10 out of the General Fund.	153.00
11 Claim No. 02-736, against the Office of the Attorney	
12 General, pay to <u>Thomas Donner</u> ,	
13 Cuming County Attorney,	
14 137 S. Main Street, Suite 2,	
15 West Point, NE 68788,	
16 out of the General Fund.	252.00
17 Claim No. 02-737, against the Office of the Attorney	
18 General, pay to <u>Thomas Donner</u> ,	
19 Cuming County Attorney,	
20 137 S. Main Street, Suite 2,	
21 West Point, NE 68788,	
22 out of the General Fund.	171.00
23 Claim No. 02-738, against the Office of the Attorney	
24 General, pay to <u>Thomas Donner</u> ,	
25 Cuming County Attorney,	
26 137 S. Main Street, Suite 2,	
27 West Point, NE 68788,	
1 out of the General Fund.	207.00
2 Claim No. 02-739, against the Office of the Attorney	
3 General, pay to <u>Thomas Donner</u> ,	
4 Cuming County Attorney,	
5 137 S. Main Street, Suite 2,	
6 West Point, NE 68788,	
7 out of the General Fund.	126.00";
8 and after line 27 insert	
9 "Claim No. 02-761, against the Office of the	
10 Attorney General, pay to <u>John Freudenberg</u> ,	
11 Box 490,	
12 Rushville, NE 69360,	
13 out of the General Fund.	382.50
14 Claim No. 02-762, against the Office of the Attorney	
15 General, pay to <u>John Freudenberg</u> ,	
16 Box 490,	
17 Rushville, NE 69360,	

18 out of the General Fund.	382.50
19 Claim No. 02-763, against the Office of the Attorney	
20 General, pay to <u>John Freudenberg</u> ,	
21 Box 490,	
22 Rushville, NE 69360,	
23 out of the General Fund.	165.00
24 Claim No. 02-764, against the Office of the Attorney	
25 General, pay to <u>John Freudenberg</u> ,	
26 Box 490,	
27 Rushville, NE 69360,	
1 out of the General Fund.	497.00
2 Claim No. 02-765, against the Office of the Attorney	
3 General, pay to <u>John Freudenberg</u> ,	
4 Box 490,	
5 Rushville, NE 69360,	
6 out of the General Fund.	187.50
7 Claim No. 02-800, against the Office of the Attorney	
8 General, pay to <u>John Freudenberg</u> ,	
9 Box 490,	
10 Rushville, NE 69360,	
11 out of the General Fund.	301.00
12 Claim No. 02-804, against the Office of the Attorney	
13 General, pay to <u>John Freudenberg</u> ,	
14 Box 490,	
15 Rushville, NE 69360,	
16 out of the General Fund.	280.00
17 Claim No. 02-891, against the Office of the Attorney	
18 General, pay to <u>John Freudenberg</u> ,	
19 Box 490,	
20 Rushville, NE 69360,	
21 out of the General Fund.	350.00
22 Claim No. 03-040, against the Office of the Attorney	
23 General, pay to <u>John Freudenberg</u> ,	
24 Box 490,	
25 Rushville, NE 69360,	
26 out of the General Fund.	203.00
27 Claim No. 03-041, against the Office of the Attorney	
1 General, pay to <u>John Freudenberg</u> ,	
2 Box 490,	
3 Rushville, NE 69360,	
4 out of the General Fund.	343.00
5 Claim No. 03-113, against the Office of the Attorney	
6 General, pay to <u>John Freudenberg</u> ,	
7 Box 490,	
8 Rushville, NE 69360,	
9 out of the General Fund.	630.00".
10 3. On page 3, after line 5 insert	
11 "Claim No. 03-292, against the Office of the	
12 Attorney General, pay to <u>John Freudenberg</u> ,	

13 Box 490,
14 Rushville, NE 69360,
15 out of the General Fund. 574.00
16 Claim No. 03-325, against the Office of the Attorney
17 General, pay to John Freudenberg,
18 Box 490,
19 Rushville, NE 69360,
20 out of the General Fund. 1,470.00";
21 in line 22 strike "140,547.58" and insert "160,114.08"; and in line
22 24 strike "357,597.58" and insert "377,164.08".
23 4. On page 4, line 19, strike "271,692.73" and insert
24 "236,047.17".

Senator Friend asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senators Janssen and Landis asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 513. Senator Chambers asked unanimous consent to withdraw his pending amendment, FA1269, found on page 1191, as amended. No objections. So ordered.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Byars renewed his pending amendment, AM1475, found on page 1404.

The Byars amendment was adopted with 30 ayes, 0 nays, 13 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.

LEGISLATIVE BILL 574. The Standing Committee amendment, AM0816, printed separately and referred to on page 855 and considered on page 1494, was renewed.

Senator Raikes withdrew his pending amendment, AM1153, found on page

1162 and considered on page 1494.

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

AM1658

(Amendments to Standing Committee amendments, AM0816)

- 1 1. Strike original section 39 and insert the following
- 2 new sections:
- 3 "Sec. 20. The Nebraska Scholarship Fund is created.
- 4 Money in the fund shall include amounts transferred from the State
- 5 Lottery Operation Trust Fund pursuant to section 9-812. For fiscal
- 6 years 2003-04 and 2004-05, two million dollars shall be used to
- 7 carry out the Nebraska Scholarship Act, and the remainder accruing
- 8 to the Nebraska Scholarship Fund shall be transferred to the
- 9 General Fund. For fiscal year 2005-06, two million five hundred
- 10 thousand dollars shall be used to carry out the Nebraska
- 11 Scholarship Act, and the remainder accruing to the Nebraska
- 12 Scholarship Fund shall be transferred to the General Fund. For
- 13 fiscal year 2006-07 and each fiscal year thereafter, all amounts
- 14 accruing to the Nebraska Scholarship Fund shall be used to carry
- 15 out the Nebraska Scholarship Act. Any money in the fund available
- 16 for investment shall be invested by the state investment officer
- 17 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 18 State Funds Investment Act.
- 19 Sec. 21. Section 9-812, Revised Statutes Supplement,
- 20 2002, is amended to read:
- 21 9-812. (1) All money received from the operation of
- 22 lottery games conducted pursuant to the State Lottery Act in
- 23 Nebraska shall be credited to the State Lottery Operation Trust
- 1 Fund, which fund is hereby created. All payments of expenses of
- 2 the operation of the lottery games shall be made from the State
- 3 Lottery Operation Cash Fund. In accordance with legislative
- 4 appropriations, money for payments for expenses of the division
- 5 shall be transferred from the State Lottery Operation Trust Fund to
- 6 the State Lottery Operation Cash Fund, which fund is hereby
- 7 created. All money necessary for the payment of lottery prizes
- 8 shall be transferred from the State Lottery Operation Trust Fund to
- 9 the State Lottery Prize Trust Fund, which fund is hereby created.
- 10 The amount used for the payment of lottery prizes shall not be less
- 11 than forty percent of the dollar amount of the lottery tickets
- 12 which have been sold. At least twenty-five percent of the dollar
- 13 amount of the lottery tickets which have been sold on an annualized
- 14 basis shall be transferred from the State Lottery Operation Trust
- 15 Fund to the Education Innovation Fund, the Nebraska Scholarship
- 16 Fund, the Nebraska Environmental Trust Fund, and the Compulsive
- 17 Gamblers Assistance Fund. Of the money available to be transferred
- 18 to the Education Innovation Fund, the Nebraska Scholarship Fund,
- 19 the Nebraska Environmental Trust Fund, and the Compulsive Gamblers
- 20 Assistance Fund, the first five hundred thousand dollars shall be

21 transferred to the Compulsive Gamblers Assistance Fund to be used
22 as provided in sections 83-162.01 to 83-162.04. Thereafter,
23 ~~forty-nine and one-half~~ twenty-four and three-fourths percent of
24 the money remaining after the payment of prizes and operating
25 expenses and the initial transfer to the Compulsive Gamblers
26 Assistance Fund shall be transferred to the Education Innovation
27 Fund. Twenty-four and three-fourths percent of the money remaining
1 after the payment of prizes and operating expenses and the initial
2 transfer to the Compulsive Gamblers Assistance Fund shall be
3 transferred to the Nebraska Scholarship Fund. Forty-nine and
4 one-half percent of the money remaining after the payment of prizes
5 and operating expenses and the initial transfer to the Compulsive
6 Gamblers Assistance Fund shall be transferred to the Nebraska
7 Environmental Trust Fund to be used as provided in the Nebraska
8 Environmental Trust Act. One percent of the money remaining after
9 the payment of prizes and operating expenses and the initial
10 transfer to the Compulsive Gamblers Assistance Fund shall be
11 transferred to the Compulsive Gamblers Assistance Fund to be used
12 as provided in sections 83-162.01 to 83-162.04.

13 (2) The Education Innovation Fund is hereby created. At
14 least seventy-five percent of the lottery proceeds allocated to the
15 Education Innovation Fund shall be available for disbursement. For
16 each fiscal year except fiscal years 2001-02, 2002-03, 2003-04, and
17 2004-05, the Education Innovation Fund shall be allocated in the
18 following manner: Up to ~~ten~~ twenty percent to fund the mentor
19 teacher program pursuant to the Quality Education Accountability
20 Act; ~~up to sixty percent as quality education incentives pursuant~~
21 ~~to the act;~~ up to ~~twenty~~ forty percent to the Attracting Excellence
22 to Teaching Program Cash Fund to fund the Attracting Excellence to
23 Teaching Program Act; and up to ~~ten~~ forty percent of the fund shall
24 be allocated by the Governor. For fiscal years 2001-02 and
25 2002-03, the Education Innovation Fund shall be allocated in the
26 following manner by the Excellence in Education Council: Up to one
27 million five hundred thousand dollars per fiscal year, as a

1 distance education network completion grant pursuant to section
2 79-1328; and, after operating expenses for the Excellence in
3 Education Council are deducted, the remainder to the General Fund.
4 For fiscal years 2003-04 and 2004-05, the Education Innovation Fund
5 shall be allocated to the General Fund after operating expenses for
6 the Excellence in Education Council are deducted. The State
7 Treasurer shall transfer two million eighteen thousand one hundred
8 ninety-nine dollars from the Education Innovation Fund to the
9 General Fund within five days after August 16, 2002.

10 Allocations by the Governor shall be through incentive
11 grants to encourage the development of strategic school improvement
12 plans by school districts for accomplishing high performance
13 learning and to encourage schools to establish innovations in
14 programs or practices that result in restructuring of school
15 organization, school management, and instructional programs which

16 bring about improvement in the quality of education. Such
17 incentive grants allocated by the Governor are intended to provide
18 selected school districts, teachers or groups of teachers,
19 nonprofit educational organizations, educational service units, or
20 cooperatives funding for the allowable costs of implementing pilot
21 projects and model programs.

22 From the funds allocated by the Governor, minigrants
23 shall be available to school districts to support the development
24 of strategic school improvement plans which shall include
25 statements of purposes and goals for the districts. The plans
26 shall also include the specific statements of improvement or
27 strategic initiatives designed to improve quality learning for
1 every student.

2 In addition to the minigrants granted for the development
3 of strategic school improvement plans, school districts with annual
4 budget expenditures of three hundred fifty thousand dollars or less
5 are eligible for minigrants from the funds allocated by the
6 Governor for the purposes allowed in subdivisions (2)(a) through
7 (q) of this section. The amount of this type of minigrant shall
8 not exceed five thousand dollars. The school district shall
9 present a curriculum support plan with its application for the
10 grant. The curriculum support plan must show how the district is
11 working to achieve one or more of the allowed purposes and how the
12 grant will be used to directly advance the plan to achieve one or
13 more of these purposes. The plan must be signed by the school
14 administrator and a school board representative. The application
15 for the grant shall be brief. The Excellence in Education Council
16 shall select the recipients of this type of minigrant and shall
17 administer such minigrants.

18 From the funds allocated by the Governor, major
19 competitive grants shall be available to support innovative
20 programs which are directly related to the strategic school
21 improvement plans. The development of a strategic school
22 improvement plan by a school district shall be required before a
23 grant is awarded. Annual reports shall be made by program
24 recipients documenting the effectiveness of the program in
25 improving the quality of education as designed in the strategic
26 school improvement plans. Special consideration shall be given to
27 plans which contain public or private matching funds and

1 cooperative agreements, including agreements for in-kind services.
2 Purposes for which such major competitive grants would be offered
3 shall include:

4 (a) Professional staff development programs to provide
5 funds for teacher and administrator training and continuing
6 education to upgrade teaching and administrative skills;

7 (b) The development of strategic school improvement plans
8 by school districts;

9 (c) Educational technology assistance to public schools
10 for the purchase and operation of computers, telecommunications

11 equipment and services, and other forms of technological innovation
12 which may enhance classroom teaching, instructional management, and
13 districtwide administration. Telecommunications equipment,
14 services, and forms of technical innovation shall be approved only
15 after review by the technical panel created in section 86-521;

16 (d) An educational accountability program to develop an
17 educational indicators system to measure the performance and
18 outcomes of public schools and to ensure efficiency in operations;

19 (e) Alternative programs for students, including
20 underrepresented groups, at-risk students, and dropouts;

21 (f) Programs that demonstrate improvement of student
22 performance against valid national and international achievement
23 standards;

24 (g) Early childhood and parent education which emphasizes
25 child development;

26 (h) Programs using decisionmaking models that increase
27 involvement of parents, teachers, and students in school
1 management;

2 (i) Increased involvement of the community in order to
3 achieve increased confidence in and satisfaction with its schools;

4 (j) Development of magnet or model programs designed to
5 facilitate desegregation;

6 (k) Programs that address family and social issues
7 impairing the learning productivity of students;

8 (l) Programs enhancing critical and higher-order thinking
9 capabilities;

10 (m) Programs which produce the quality of education
11 necessary to guarantee a competitive work force;

12 (n) Programs designed to increase productivity of staff
13 and students through innovative use of time;

14 (o) Training programs designed to benefit teachers at all
15 levels of education by increasing their ability to work with
16 educational technology in the classroom;

17 (p) Approved accelerated or differentiated curriculum
18 programs under sections 79-1106 to 79-1108.03; and

19 (q) Programs for children from birth to age twenty-one
20 years with disabilities receiving special education under the
21 Special Education Act and children from birth to age twenty-one
22 years needing support services as defined in section 79-1125.01,
23 which programs demonstrate improved outcomes for children from
24 birth to age twenty-one years through emphasis on prevention and
25 collaborative planning.

26 The Governor shall establish the Excellence in Education
27 Council. The Governor shall appoint eleven members to the council
1 including representatives of educational organizations,
2 postsecondary educational institutions, the business community, and
3 the general public, members of school boards and parent education
4 associations, school administrators, and at least four teachers who
5 are engaged in classroom teaching. The State Department of

6 Education shall provide staff support for the council to administer
7 the Education Innovation Fund, including the Quality Education
8 Accountability Act. The council shall have the following powers
9 and duties:

10 (i) In consultation with the department, develop and
11 publish criteria for the awarding of incentive grants allocated by
12 the Governor for programs pursuant to this subsection, including
13 minigrants;

14 (ii) Provide recommendations to the Governor regarding
15 the selection of projects to be funded and the distribution and
16 duration of project funding;

17 (iii) Establish standards, formats, procedures, and
18 timelines for the successful implementation of approved programs
19 funded by incentive grants allocated by the Governor from the
20 Education Innovation Fund;

21 (iv) Assist school districts in determining the
22 effectiveness of the innovations in programs and practices and
23 measure the subsequent degree of improvement in the quality of
24 education;

25 (v) Consider the reasonable distribution of funds across
26 the state and all classes of school districts;

27 (vi) Carry out its duties pursuant to the Quality
1 Education Accountability Act; and

2 (vii) Provide annual reports to the Governor concerning
3 programs funded by the fund. Each report shall include the number
4 of applicants and approved applicants, an overview of the various
5 programs, objectives, and anticipated outcomes, and detailed
6 reports of the cost of each program.

7 To assist the council in carrying out its duties, the
8 State Board of Education shall, in consultation with the council,
9 adopt and promulgate rules and regulations establishing criteria,
10 standards, and procedures regarding the selection and
11 administration of programs funded from the Education Innovation
12 Fund, including the Quality Education Accountability Act.

13 (3) Recipients of incentive grants allocated by the
14 Governor from the Education Innovation Fund shall be required to
15 provide, upon request, such data relating to the funded programs
16 and initiatives as the Governor deems necessary.

17 (4) Any money in the State Lottery Operation Trust Fund,
18 the State Lottery Operation Cash Fund, the State Lottery Prize
19 Trust Fund, or the Education Innovation Fund available for
20 investment shall be invested by the state investment officer
21 pursuant to the Nebraska Capital Expansion Act and the Nebraska
22 State Funds Investment Act.

23 (5) Unclaimed prize money on a winning lottery ticket
24 shall be retained for a period of time prescribed by rules and
25 regulations. If no claim is made within such period, the prize
26 money shall be used at the discretion of the Tax Commissioner for
27 any of the purposes prescribed in this section.

- 1 Sec. 44. Since an emergency exists, this act takes
 2 effect when passed and approved according to law."
 3 2. On page 1, line 3, strike "19" and insert "20".
 4 3. On page 1, line 10; page 2, line 2; page 4, line 17;
 5 and page 7, lines 12 and 19, strike "2007-08" and insert "2006-07".
 6 4. On page 1, lines 14, 15, and 22; page 3, lines 19 and
 7 26; page 5, lines 6 and 12; and page 6, line 3, strike "2003-04"
 8 and insert "2002-03".
 9 5. On page 5, lines 7 and 22; and page 6, line 15,
 10 strike "2004-05" and insert "2003-04".
 11 6. On page 5, lines 12, 17, and 25; and page 6, lines 3,
 12 11, and 18, strike "2002-03" and insert "2001-02".
 13 7. On page 5, line 19; and page 6, line 8, strike
 14 "2005-06" and insert "2004-05".
 15 8. On page 6, line 5, strike "2006-07" and insert
 16 "2005-06".
 17 9. On page 10, line 5, before "The" insert "(1)"; in
 18 line 6 strike "(1)" and insert "(a)"; strike beginning with "(2)"
 19 in line 8 through the semicolon in line 13; in line 14 strike "(3)"
 20 and insert "(b)"; and after line 17 insert the following new
 21 subsection: "(2) The commission may adopt and promulgate rules and
 22 regulations necessary to carry out the act, including such rules
 23 and regulations for maintenance of fiscal controls and fund
 24 accounting procedures as may be necessary to assure proper
 25 disbursement of funds and to assure that the eligible postsecondary
 26 educational institutions, as agents of the commission, have
 27 complied with the act.".
 1 10. On page 32, line 25, strike "shall" and insert
 2 "may".
 3 11. On page 33, line 14, after "Nebraska" insert "and
 4 section 79-758, Revised Statutes Supplement, 2002".
 5 12. Renumber the remaining sections and correct internal
 6 references accordingly.

The Raikes amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 513. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Meadows Elementary School, Omaha; 50 third- through fifth-grade students and teachers from Bryan Elementary School, Lexington; 9 eighth-grade students, teacher, and sponsors from Lake Minatare School, District 64; and Olga Chyzh from Ukraine.

ADJOURNMENT

At 6:13 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Thursday, May 1, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - MAY 1, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 1, 2003

PRAYER

The prayer was offered by Senator Price.

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 Senators Brashear, Brown, Connealy, Janssen, Landis, Maxwell, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 30, 2003, 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 Law Firm, P.C.
Community Safety, LLC

Marshall, Kelly J.
Pfizer, Inc. (CO)

Milder, Ally
Educare

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of

Copy of the 2001 recommendations of the United States Public Health Service Food and Drug Administration Food Code

Criminal Justice, Commission on Law Enforcement

Crime Victim's Reparations Program Report for 2001/2002 Fiscal Year

Roads, Department of

State Highway Commission for the period ending March 30, 2003 Quarterly Report

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 320:
AM1635

(Amendments to Standing Committee amendments, AM0805)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Beginning July 1, 2004:
- 4 (1) In the event of the death of a judge subsequent to
- 5 retirement, his or her surviving spouse, if any, shall be entitled
- 6 to receive, if the surviving spouse was born not more than five
- 7 years after the birth of the deceased judge, a benefit equal to
- 8 fifty percent of the benefit the retired judge was entitled to
- 9 receive. Such benefit to the surviving spouse shall be provided
- 10 without actuarial reduction or other assessment to the retired
- 11 judge in determining his or her benefits. The entire cost of such
- 12 a benefit shall be assumed by the Judges' Retirement Fund;
- 13 (2) In the event of the death of a judge subsequent to
- 14 retirement, his or her surviving spouse, if any, shall be entitled
- 15 to receive, if the surviving spouse was born more than five years
- 16 after the birth of the deceased judge, a benefit equal to fifty
- 17 percent of the benefit the retired judge was entitled to receive.
- 18 Such benefit to the surviving spouse shall be provided with an
- 19 actuarial reduction to the benefits of the retired judge based on
- 20 the actuarial cost of such benefit when the spouse is more than
- 21 five years younger than the retired judge; and
- 22 (3) This section shall not prevent a retiring judge from
- 23 contracting to provide a larger percentage of benefit for a
- 1 surviving spouse under other applicable statutes.
- 2 Sec. 2. Section 24-701.01, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 24-701.01. Sections 24-701 to 24-714 and section 1 of
- 5 this act shall be known and may be cited as the Judges Retirement
- 6 Act.
- 7 Sec. 3. Section 24-703, Revised Statutes Supplement,
- 8 2002, is amended to read:

9 24-703. (1) Each original member shall contribute
10 monthly four percent of his or her monthly compensation to the fund
11 until the maximum benefit as limited in subsection (1) of section
12 24-710 has been earned. It shall be the duty of the Director of
13 Administrative Services in accordance with subsection (10) of this
14 section to make a deduction of four percent on the monthly payroll
15 of each original member who is a judge of the Supreme Court, a
16 judge of the Court of Appeals, a judge of the district court, a
17 judge of a separate juvenile court, a judge of the county court, a
18 clerk magistrate of the county court who was an associate county
19 judge and a member of the fund at the time of his or her
20 appointment as a clerk magistrate, or a judge of the Nebraska
21 Workers' Compensation Court showing the amount to be deducted and
22 its credit to the fund. The Director of Administrative Services
23 and the State Treasurer shall credit the four percent as shown on
24 the payroll and the amounts received from the various counties to
25 the fund and remit the same to the director in charge of the judges
26 retirement system who shall keep an accurate record of the
27 contributions of each judge.

1 (2)(a) Prior to July 1, 2003, each ~~Each~~ future member
2 shall contribute monthly six percent of his or her monthly
3 compensation to the fund until the maximum benefit as limited in
4 subsection (2) of section 24-710 has been earned. Prior to July 1,
5 2003, any ~~Any~~ time the maximum benefit is changed, a future member
6 who has previously earned the maximum benefit as it existed prior
7 to the change shall contribute monthly six percent of his or her
8 monthly compensation to the fund until the maximum benefit as
9 changed and as limited in subsection (2) of section 24-710 has been
10 earned.

11 (b) Beginning July 1, 2003, each future member shall
12 contribute monthly eight percent of his or her monthly compensation
13 to the fund until the maximum benefit as limited in subsection (2)
14 of section 24-710 has been earned. Beginning July 1, 2003, after
15 the maximum benefit as limited in subsection (2) of section 24-710
16 has been earned, a future member shall contribute monthly four
17 percent of his or her contribution to the fund.

18 (c) It shall be the duty of the Director of
19 Administrative Services to make a deduction of six percent on the
20 monthly payroll of each such future member who is a judge of the
21 Supreme Court, a judge of the Court of Appeals, a judge of the
22 district court, a judge of a separate juvenile court, a judge of
23 the county court, a clerk magistrate of the county court who was an
24 associate county judge and a member of the fund at the time of his
25 or her appointment as a clerk magistrate, or a judge of the
26 Nebraska Workers' Compensation Court showing the amount to be
27 deducted and its credit to the fund. This shall be done each
1 month. The Director of Administrative Services and the State
2 Treasurer shall credit the ~~six percent~~ amount as shown on the
3 payroll and the amounts received from the various counties to the

4 fund and remit the same to the director in charge of the judges
5 retirement system who shall keep an accurate record of the
6 contributions of each judge.

7 (3) A Nebraska Retirement Fund for Judges fee of ~~one~~
8 dollar five dollars shall be taxed as costs in each civil cause of
9 action, criminal cause of action, traffic misdemeanor or
10 infraction, and city or village ordinance violation filed in the
11 district courts and the county courts. In county courts a sum
12 shall be charged which is equal to ten percent of each fee provided
13 by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges
14 retirement fee shall be charged for filing a report pursuant to
15 sections 33-126.02 and 33-126.06. When collected by the clerk of
16 the district or county court, such fees shall be paid to the
17 director in charge of the judges retirement system on forms
18 prescribed by the board by the clerk within ten days after the
19 close of each calendar quarter. Such director shall promptly
20 thereafter remit the same to the State Treasurer for credit to the
21 fund. No Nebraska Retirement Fund for Judges fee which is
22 uncollectible for any reason shall be waived by a county judge as
23 provided in section 29-2709.

24 (4) All expenditures from the fund shall be authorized by
25 voucher in the manner prescribed in section 24-713. The fund shall
26 be used for the payment of all annuities and other benefits and for
27 the expenses of administration.

1 (5) The fund shall consist of the total fund as of
2 December 25, 1969, the contributions of members as provided in this
3 section, all supplementary court fees as provided in subsection (3)
4 of this section, and any required contributions of the state.

5 (6) Not later than January 1 of each year, the State
6 Treasurer shall transfer to the fund the amount certified by the
7 board as being necessary to pay the cost of any benefits accrued
8 during the fiscal year ending the previous June 30 in excess of
9 member contributions for that fiscal year and court fees as
10 provided in subsection (3) of this section, if any, for that fiscal
11 year plus any required contributions of the state as provided in
12 subsection (9) of this section.

13 (7) Benefits under the retirement system to members or to
14 their beneficiaries shall be paid from the fund.

15 (8) Any member who is making contributions to the fund on
16 December 25, 1969, may, on or before June 30, 1970, elect to become
17 a future member by delivering written notice of such election to
18 the board.

19 (9) Not later than January 1 of each year, the State
20 Treasurer shall transfer to the fund an amount, determined on the
21 basis of an actuarial valuation as of the previous June 30 and
22 certified by the board, to fully fund the unfunded accrued
23 liabilities of the retirement system as of June 30, 1988, by level
24 payments up to January 1, 2000. Such valuation shall be on the
25 basis of actuarial assumptions recommended by the actuary, approved

26 by the board, and kept on file with the board. For the fiscal year
27 beginning July 1, 2002, and each fiscal year thereafter, the
1 actuary for the board shall perform an actuarial valuation of the
2 system using the entry age actuarial cost method. Under this
3 method, the actuarially required funding rate is equal to the
4 normal cost rate, plus the contribution rate necessary to amortize
5 the unfunded actuarial accrued liability on a level payment basis.
6 The normal cost under this method shall be determined for each
7 individual member on a level percentage of salary basis. The
8 normal cost amount is then summed for all members. The initial
9 unfunded actual accrued liability as of July 1, 2002, if any, shall
10 be amortized over a twenty-five-year period. During each
11 subsequent actuarial valuation, changes in the funded actuarial
12 accrued liability due to changes in benefits, actuarial
13 assumptions, the asset valuation method, or actuarial gains or
14 losses shall be measured and amortized over a twenty-five-year
15 period beginning on the valuation date of such change. If the
16 unfunded actuarial accrued liability under the entry age actuarial
17 cost method is zero or less than zero on an actuarial valuation
18 date, then all prior unfunded actuarial accrued liabilities shall
19 be considered fully funded and the unfunded actuarial accrued
20 liability shall be reinitialized and amortized over a
21 twenty-five-year period as of the actuarial valuation date. If the
22 actuarially required contribution rate exceeds the rate of all
23 contributions required pursuant to the Judges Retirement Act, there
24 shall be a supplemental appropriation sufficient to pay for the
25 differences between the actuarially required contribution rate and
26 the rate of all contributions required pursuant to the Judges
27 Retirement Act.

1 (10) The state or county shall pick up the member
2 contributions required by this section for all compensation paid on
3 or after January 1, 1985, and the contributions so picked up shall
4 be treated as employer contributions in determining federal tax
5 treatment under the Internal Revenue Code as defined in section
6 49-801.01, except that the state or county shall continue to
7 withhold federal income taxes based upon these contributions until
8 the Internal Revenue Service or the federal courts rule that,
9 pursuant to section 414(h) of the code, these contributions shall
10 not be included as gross income of the member until such time as
11 they are distributed or made available. The state or county shall
12 pay these member contributions from the same source of funds which
13 is used in paying earnings to the member. The state or county
14 shall pick up these contributions by a compensation deduction
15 through a reduction in the compensation of the member. Member
16 contributions picked up shall be treated for all purposes of the
17 Judges Retirement Act in the same manner and to the extent as
18 member contributions made prior to the date picked up.
19 Sec. 4. Section 24-708, Revised Statutes Supplement,
20 2002, is amended to read:

21 24-708. (1) Any judge may retire upon reaching the age
22 of sixty-five years and upon making application to the board. Upon
23 retiring each such judge shall receive retirement annuities as
24 provided in section 24-710.

25 (2) A judge may retire upon reaching the age of sixty-two
26 years and receive the retirement annuity provided by section 24-710
27 but shall be subject to a reduction of such annuity by three
1 percent for each year after the judge's sixty-second birthday that
2 is between his or her retirement and his or her sixty-fifth
3 birthday.

4 (3) A judge may retire upon ~~the attainment of~~ reaching
5 the age of fifty-five years and elect to receive a reduced monthly
6 retirement income in lieu of a deferred vested annuity. The judge
7 may request that the reduced monthly retirement income commence at
8 any date, beginning on the first day of the month following the
9 actual retirement date and ending on the normal retirement date.
10 The amount of the monthly retirement income shall be calculated
11 based on the length of creditable service and average compensation
12 at the actual retirement date and shall be reduced when the
13 payments commence prior to the normal retirement date to an amount
14 that is actuarially equivalent to the deferred vested annuity
15 payable at the normal retirement date.

16 (3) (4) Payment of any benefit provided under the Judges
17 Retirement Act may not be deferred later than the sixtieth day
18 after the end of the year in which the judge has both attained at
19 least age seventy and one-half years and terminated his or her
20 employment as a judge.

21 (4) (5) The effective date of retirement payments shall
22 be the first day of the month following (a) the date a member
23 qualifies for retirement as provided in this section or (b) the
24 date upon which a member's request for retirement is received on an
25 application form provided by the retirement system, whichever is
26 later. An application may be filed no more than ninety days in
27 advance of qualifying for retirement.

1 Sec. 5. Section 24-710, Revised Statutes Supplement,
2 2002, is amended to read:

3 24-710. (1) The retirement annuity of a judge who is an
4 original member, who has not made the election provided for in
5 subsection (8) of section 24-703 or section 24-710.01, and who
6 retires under section 24-708 or 24-709 shall be computed as
7 follows: Each such judge shall be entitled to receive an annuity,
8 each monthly payment of which shall be in an amount equal to three
9 and one-third percent of his or her final average compensation as
10 such judge, multiplied by the number of his or her years of
11 creditable service. The amount stated in this section shall be
12 supplemental to any benefits received by such judge under the
13 Nebraska and federal old age and survivors' insurance acts at the
14 date of retirement, but the monthly combined benefits received
15 thereunder and by the Judges Retirement Act shall not exceed

16 sixty-five percent of the final average compensation such judge was
17 receiving when he or she last served as such judge. The amount of
18 retirement annuity of a judge who retires under section 24-708 or
19 24-709 shall not be less than twenty-five dollars per month if he
20 or she has four years or more of service credit.

21 (2) The retirement annuity of a judge who is a future
22 member and who retires after July 1, 1986, under section 24-708 or
23 24-709 shall be computed as follows: Each such judge shall be
24 entitled to receive an annuity, each monthly payment of which shall
25 be in an amount equal to three and one-half percent of his or her
26 final average compensation as such judge, multiplied by the number
27 of his or her years of creditable service, except that the monthly
1 benefits received under this subsection shall not exceed seventy
2 percent of the final average compensation such judge was receiving
3 when he or she last served as such judge.

4 (3) Except as provided in section 42-1107, any member
5 may, when filing an application as provided by the retirement
6 system, elect to receive, in lieu of the normal form annuity
7 benefits to which the member or his or her beneficiary may
8 otherwise be entitled under the Judges Retirement Act, any form of
9 annuity which the board may by rules and regulations provide, the
10 value of which, determined by accepted actuarial methods and on the
11 basis of actuarial assumptions recommended by the actuary, approved
12 by the board, and kept on file in the office of the director, is
13 equal to the value of the benefit replaced. The board shall (a)
14 adopt and promulgate appropriate rules and regulations establishing
15 joint and survivorship annuities, with and without reduction on the
16 death of the first annuitant, ~~and~~ such other forms of annuities as
17 may in its judgment be appropriate, and as provided in section
18 24-707, (b) prescribe appropriate forms for making the election by
19 the members, and (c) provide for the necessary actuarial services
20 to make the required valuations.

21 (4) A one-time cost-of-living adjustment shall be made
22 for each retired judge and each surviving beneficiary who is
23 receiving a retirement annuity as provided for in this section.
24 The annuity shall be adjusted by the increase in the cost of living
25 or wage levels between the effective date of retirement and June
26 30, 1992, except that such increases shall not exceed three percent
27 per year of retirement and the total increase shall not exceed two
1 hundred fifty dollars per month.

2 Sec. 6. Original sections 24-701.01, 24-703, 24-708, and
3 24-710, Revised Statutes Supplement, 2002, are repealed.

4 Sec. 7. Since an emergency exists, this act takes effect
5 when passed and approved according to law.".

Senator Redfield filed the following amendment to LB 759:
(Amendment, AM1644, is printed separately and available in the Bill Room,
Room 1104.)

Senator Redfield filed the following amendment to LB 759:
AM1657

(Amendments to E & R amendments, AM7114)

- 1 1. On page 42, reinstate the stricken matter beginning
- 2 with "and" in line 9 through "after" in line 10 and after the
- 3 reinstated matter insert "January 1, 2006"; and in line 16
- 4 reinstate the stricken "and before" and after the reinstated matter
- 5 insert "January 1, 2006".

MOTION - Approve Appointment

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment found on page 1525:

Board of Public Roads Classifications and Standards
Edward R. Wootton Sr.

Voting in the affirmative, 36:

Aguilar	Cunningham	Jones	Preister	Stuthman
Baker	Engel	Kremer	Price	Thompson
Beutler	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Louden	Redfield	Wehrbein
Burling	Friend	McDonald	Schimek	
Byars	Hartnett	Mines	Schrock	
Combs	Hudkins	Mossey	Smith	
Cudaback	Jensen	Pederson, D.	Stuhr	

Voting in the negative, 0.

Present and not voting, 6:

Bourne	Johnson	Synowiecki
Chambers	Pedersen, Dw.	Vrtiska

Excused and not voting, 7:

Brashear	Connealy	Landis	Raikes
Brown	Janssen	Maxwell	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

MOTION - Return LB 667 to Select File

Senator Jensen moved to return LB 667 to Select File for his specific pending amendment, AM1551, found on page 1474.

The Jensen motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 667. The Jensen specific pending amendment, AM1551, found on page 1474, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 282 to Select File

Senator Landis moved to return LB 282 to Select File for his specific pending amendment, AM1634, found on page 1541.

The Landis motion to return prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 282. The Landis specific pending amendment, AM1634, found on page 1541, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 46 to Select File

Senator Brashear moved to return LB 46 to Select File for his specific pending amendment, AM1651, found on page 1543.

The Brashear motion to return prevailed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 46. The Brashear specific pending amendment, AM1651, found on page 1543, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

Senators Redfield and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Amendment to LB 46A

Senator Brashear withdrew his pending amendment, AM1303, found on page 1277, to LB 46A.

MOTION - Return LB 46A to Select File

Senator Brashear moved to return LB 46A to Select File for his specific pending amendment, AM1458, found on page 1543.

The Brashear motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 46A. The Brashear specific pending amendment, AM1458, found on page 1543, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 143

Senator Schrock withdrew his pending amendment, AM0683, found on page 739, to LB 143.

Senator Schrock withdrew the Schrock et al. pending amendment, AM1608, found on page 1514, to LB 143.

WITHDRAW - Motion to LB 143

Senator Connealy withdrew his pending motion, found on page 1458, to bracket LB 143 until January 1, 2004.

MOTION - Return LB 143 to Select File

Senator Schrock moved to return LB 143 to Select File for the Schrock et al. specific pending amendment, AM1623, found on page 1527.

The Schrock motion to return prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 143. The Schrock et al. specific pending amendment, AM1623, found on page 1527, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

SENATOR CUDABACK PRESIDING**MOTION - Return LB 500 to Select File**

Senator Smith moved to return LB 500 to Select File for his specific pending amendment, AM1278, found on page 1515.

The Smith motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 500. The Smith specific pending amendment, AM1278, found on page 1515, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 305. Senator Erdman withdrew the Erdman et al. specific pending amendment, AM1033, found on page 1083 and considered on page 1262.

Readvanced to Final Reading.

WITHDRAW - Amendment to LB 305

Senator Wehrbein withdrew his pending amendment, FA1302, found on page 1269, to LB 305.

MOTION - Return LB 305 to Select File

Senator Hudkins moved to return LB 305 to Select File for her specific pending amendment, FA1303, found on page 1270.

The Hudkins motion to return prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 305. The Hudkins specific pending amendment, FA1303, found on page 1270, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return 305 to Select File

Senator Erdman moved to return LB 305 to Select File for his specific pending amendment, AM1556, found on page 1475.

The Erdman motion to return prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 305. The Erdman specific pending amendment, AM1556, found on page 1475, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 19:
AM1527

- 1 1. Strike original section 2 and insert the following
- 2 sections:
- 3 "Section 1. Section 25-304, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 25-304. An executor, administrator, guardian, trustee of
- 6 an express trust, a person with whom or in whose name a contract is
- 7 made for the benefit of another, or a person expressly authorized
- 8 by statute, may bring an action without joining ~~with him~~ the person
- 9 for whose benefit it is prosecuted. Officers may sue and be sued
- 10 in such name as is authorized by law; and official bonds may be
- 11 sued upon the same way. Assignees ; ~~and assignees~~ of choses in
- 12 action assigned for the purpose of collection; may sue on any claim
- 13 assigned in writing. ; ~~but such assignee shall be required to~~
- 14 ~~furnish security for costs as in case of nonresident plaintiffs.~~
- 15 Sec. 3. Section 25-1601, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 25-1601. (1) All citizens of the United States residing
- 18 in any of the counties of this state who are over the age of
- 19 nineteen years, able to read, speak, and understand the English

20 language, and free from all disqualifications set forth under this
21 section and from all other legal exceptions are and shall be
22 competent persons to serve on all grand and petit juries in their
23 respective counties. Persons disqualified to serve as either grand
24 or petit jurors are: (a) Judges of any court, (b) clerks of the
1 Supreme or district courts, (c) sheriffs, (d) jailers, (e) persons,
2 or the wife or husband of any such person, who are parties to suits
3 pending in the district court of the county of his, her, or their
4 then residence for trial at that jury panel, (f) persons who have
5 been convicted of a criminal offense punishable by imprisonment in
6 a Department of Correctional Services adult correctional facility,
7 when such conviction has not been set aside or a pardon issued, and
8 (g) persons who are subject to liability for the commission of any
9 offense which by special provision of law does and shall disqualify
10 them. Persons who are husband and wife shall not be summoned as
11 jurors on the same panel. Persons who are incapable, by reason of
12 physical or mental disability, of rendering satisfactory jury
13 service shall not be qualified to serve on a jury, but a person
14 claiming this disqualification may be required to submit a
15 physician's certificate as to the disability and the certifying
16 physician is subject to inquiry by the court at its discretion. A
17 nursing mother who requests to be excused shall be excused from
18 jury service until she is no longer nursing her child, but the
19 mother may be required to submit a physician's certificate in
20 support of her request.

21 (2) The district court or any judge thereof may exercise
22 the power of excusing any grand or petit juror or any person
23 summoned for grand or petit jury service upon a showing of undue
24 hardship, extreme inconvenience, or public necessity for such
25 period as the court deems necessary. At the conclusion of such
26 period the person shall reappear for jury service in accordance
27 with the court's direction. All excuses and the grounds for such
1 excuses shall be entered upon the record of the court and shall be
2 considered as a public record. In districts having more than one
3 judge of the district court, the court may by rule or order assign
4 or delegate to the presiding judge or any one or more judges the
5 sole authority to grant such excuses.

6 (3) No qualified prospective juror is exempt from jury
7 service, except that any person sixty-five years of age or older
8 who shall make such request to the court at the time the juror
9 qualification form is filed with the jury commissioner shall be
10 exempt from serving on grand and petit juries.

11 (4) A nursing mother shall be excused from jury service
12 until she is no longer nursing her child by making such request to
13 the court at the time the juror qualification form is filed with
14 the jury commissioner and including with the request a physician's
15 certificate in support of her request. The jury commissioner shall
16 mail the mother a notification form to be completed and returned to
17 the jury commissioner by the mother when she is no longer nursing

18 the child.

19 Sec. 4. Section 25-1625, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 25-1625. (1) In each county of the State of Nebraska
22 there shall be a jury commissioner.

23 (2) In counties having a population of not more than
24 fifty thousand inhabitants, the clerk of the district court shall
25 be jury commissioner ex officio.

26 (3) In counties having a population of more than fifty
27 thousand, and not more than one hundred fifty thousand inhabitants,
1 the jury commissioner shall be a separate office in the county
2 government or the duties may be performed, when authorized by the
3 judges of the district court within such counties, by the election
4 commissioner. The jury commissioner shall receive an annual salary
5 of not less than twelve hundred dollars.

6 (4) In counties having a population of more than one
7 hundred fifty thousand inhabitants and not more than two hundred
8 thousand inhabitants, the clerk of the district court shall perform
9 the duties of jury commissioner without additional compensation.

10 (5) In counties having a population in excess of two
11 hundred thousand inhabitants, the judges of the district court
12 within such counties shall determine whether the clerk of the
13 district court will perform the duties of jury commissioner without
14 additional compensation or the election commissioner ~~shall~~ will be
15 jury commissioner ex officio.

16 (6) In all counties the necessary expenses incurred in
17 the performance of the duties of jury commissioner shall be paid by
18 the county board of the county out of the general fund, upon proper
19 claims approved by one of the district judges in the judicial
20 district and duly filed with ~~said~~ the county board.

21 (7) In all counties the jury commissioner shall prepare
22 and file the annual inventory statement with the county board of
23 ~~his~~ the county of all county personal property in his or her
24 custody or possession, as provided in sections 23-346 to 23-350.

25 Sec. 5. Section 25-1628, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 25-1628. ~~The~~ At least once each calendar year, the
1 officer having charge of the election records shall furnish to the
2 jury commissioner a complete list of the names, dates of birth, and
3 addresses of all registered electors nineteen years of age or older
4 in the county. The Department of Motor Vehicles shall make
5 available to each jury commissioner each December ; ~~if requested, a~~
6 ~~list in printed form or on magnetic tape or other magnetic medium~~
7 magnetic, optical, digital, or other electronic format mutually
8 agreed to by the requesting jury commissioner and the department
9 containing the names, dates of birth, and addresses of all licensed
10 motor vehicle operators nineteen years of age or older in the
11 county. The jury commissioner may request such a list of licensed
12 motor vehicle operators from the county treasurer if the county

13 treasurer has an automated procedure for developing such lists. If
14 a jury commissioner requests similar lists at other times from the
15 department, the cost of processing such lists shall be paid by the
16 county which the requesting jury commissioner serves.

17 ~~Upon~~ At least once each calendar year upon receipt of
18 both lists, the jury commissioner shall combine the separate lists
19 and attempt to reduce duplication to the best of his or her ability
20 to produce a master list. The proposed juror list shall be derived
21 by selecting from the master list the name of the person whose
22 numerical order on such list corresponds with the key number and
23 each successive tenth name thereafter. The jury commissioner shall
24 certify that the proposed juror list has been made in accordance
25 with sections 25-1625 to 25-1637.

26 Any duplication of names on a master list shall not be
27 grounds for quashing any panel pursuant to section 25-1637 or for
1 the disqualification of any juror.

2 Sec. 6. Original sections 25-304, 25-1210, 25-1601,
3 25-1625, and 25-1628, Reissue Revised Statutes of Nebraska, are
4 repealed.

5 Sec. 7. The following sections are outright repealed:

6 Sections 25-1701 and 25-1702, Revised Statutes Supplement, 2002".

7 2. Renumber the remaining section accordingly.

Senators Landis and Jensen filed the following amendment to LB 572:
AM1555

(Amendments to Standing Committee amendments, AM1149)

1 1. Insert the following new section:

2 "Sec. 8. Section 69-2702, Revised Statutes Supplement,
3 2002, is amended to read:

4 69-2702. For purposes of sections 69-2702 and 69-2703:

5 (1) Adjusted for inflation means increased in accordance
6 with the formula for inflation adjustment set forth in Exhibit C to
7 the Master Settlement Agreement;

8 (2) Affiliate means a person that directly or indirectly
9 owns or controls, is owned or controlled by, or is under common
10 ownership or control with, another person. Solely for purposes of
11 this subdivision, the terms owns, is owned, and ownership means
12 ownership of an equity interest, or the equivalent thereof, of ten
13 percent or more, and the term person means an individual,
14 partnership, committee, association, corporation, or any other
15 organization or group of persons;

16 (3) Allocable share means allocable share as that term is
17 defined in the Master Settlement Agreement;

18 (4) Cigarette means any product that contains nicotine,
19 is intended to be burned or heated under ordinary conditions of
20 use, and consists of or contains (a) any roll of tobacco wrapped in
21 paper or in any substance not containing tobacco; (b) tobacco, in
22 any form, that is functional in the product, which, because of its
23 appearance, the type of tobacco used in the filler, or its

1 packaging and labeling, is likely to be offered to, or purchased
2 by, consumers as a cigarette; or (c) any roll of tobacco wrapped in
3 any substance containing tobacco which, because of its appearance,
4 the type of tobacco used in the filler, or its packaging and
5 labeling, is likely to be offered to, or purchased by, consumers as
6 a cigarette described in ~~clause~~ subdivision (a) of this
7 subdivision. The term cigarette includes roll-your-own tobacco
8 (i.e., any tobacco which, because of its appearance, type,
9 packaging, or labeling is suitable for use and likely to be offered
10 to, or purchased by, consumers as tobacco for making cigarettes).
11 For purposes of this definition, ~~nine hundredths~~ nine-hundredths of
12 an ounce of roll-your-own tobacco shall constitute one individual
13 cigarette;

14 (5) Master Settlement Agreement means the settlement
15 agreement entered into on November 23, 1998, between the state and
16 specific United States tobacco product manufacturers and related
17 documents to such agreement;

18 (6) Qualified escrow fund means an escrow arrangement
19 with a federally or state-chartered financial institution having no
20 affiliation with any tobacco product manufacturer and having assets
21 of at least one billion dollars where such arrangement requires
22 that such financial institution hold the escrowed funds' principal
23 for the benefit of releasing parties and prohibits the tobacco
24 product manufacturer that places such funds into escrow from using,
25 accessing, or directing the use of the funds' principal except as
26 consistent with subdivision (2)(b) of section 69-2703;

27 (7) Released claims means released claims as that term is
1 defined in the Master Settlement Agreement;

2 (8) Releasing parties means releasing parties as that
3 term is defined in the Master Settlement Agreement;

4 (9) Tobacco product manufacturer means an entity that
5 after April 29, 1999, directly and not exclusively through any
6 affiliate:

7 (a) Manufactures cigarettes anywhere that such
8 manufacturer intends to be sold in the United States, including
9 cigarettes intended to be sold in the United States through an
10 importer (except when such importer is an original participating
11 manufacturer (as that term is defined in the Master Settlement
12 Agreement) that will be responsible for the payments under the
13 Master Settlement Agreement with respect to such cigarettes as a
14 result of the provisions of subsection II(mm) of the Master
15 Settlement Agreement and that pays the taxes specified in
16 subsection II(z) of the Master Settlement Agreement, and provided
17 that the manufacturer of such cigarettes does not market or
18 advertise such cigarettes in the United States);

19 (b) Is the first purchaser anywhere for resale in the
20 United States of cigarettes manufactured anywhere that the
21 manufacturer does not intend to be sold in the United States; or

22 (c) Becomes a successor of an entity described in

23 subdivision (9)(a) or (9)(b) of this section.

24 The term tobacco product manufacturer does not include an
25 affiliate of a tobacco product manufacturer unless such affiliate
26 itself falls within any of subdivisions (9)(a) through (9)(c) of
27 this section; and

1 (10) Units sold means the number of individual cigarettes
2 sold in the state by the applicable tobacco product manufacturer,
3 whether directly or through a distributor, retailer, or similar
4 intermediary or intermediaries, during the year in question, as
5 measured by excise taxes collected by the state on packs or
6 roll-your-own tobacco containers. ~~bearing the excise tax stamp of~~
7 ~~the state.~~ The Tax Commissioner shall adopt and promulgate such
8 rules and regulations as are necessary to ascertain the amount of
9 state excise tax paid on the cigarettes of such tobacco product
10 manufacturer for each year."

11 2. On page 4, strike lines 2 through 6 and insert the
12 following new subdivision:

13 "(ii) That such non-participating manufacturer has
14 established and continues to maintain a qualified escrow fund
15 pursuant to a qualified escrow agreement that has been reviewed and
16 approved by the Attorney General or submits a copy of such
17 agreement for review by the Attorney General;".

18 3. On page 12, strike beginning with "Before" in line 2
19 through "(2)" in line 27 and insert "Before any tobacco product
20 manufacturer may be removed from the directory, the Tax
21 Commissioner shall provide the tobacco product manufacturer thirty
22 days' notice of the intended action and shall post the notice on
23 the directory. The tobacco product manufacturer shall have thirty
24 days to come into compliance with sections 69-2701 to 69-2703 and
25 sections 1 to 7 of this act or in the alternative, secure a
26 temporary injunction against removal in the district court of
27 Lancaster County. For the purposes of the temporary injunction
1 sought pursuant to this subsection, loss of the ability to sell
2 tobacco products as a result of removal from the directory shall
3 constitute irreparable harm. If after thirty days the tobacco
4 product manufacturer remains in noncompliance and has not obtained
5 a temporary injunction pursuant to this subsection, the tobacco
6 product manufacturer shall be removed from the directory.

7 (2) If the Tax Commissioner determines that a tobacco
8 product manufacturer shall not be included in the directory, such
9 manufacturer may request a contested case before the Tax
10 Commissioner under the Administrative Procedure Act. The Tax
11 Commissioner shall notify the tobacco product manufacturer in
12 writing of the determination not to include it in the directory. A
13 request for hearing shall be made within thirty calendar days after
14 the date of the determination that the manufacturer shall not be
15 included in the directory and shall contain the evidence supporting
16 the manufacturer's compliance with section 69-2703 and sections 1
17 to 7 of this act. The hearing shall be held within sixty days

18 after the request. At the hearing, the Tax Commissioner shall
19 determine whether the tobacco product manufacturer is in compliance
20 with section 69-2703 and sections 1 to 7 of this act and whether
21 the manufacturer should be listed in the directory. A final
22 decision shall be rendered within thirty days after the hearing.
23 Any decision of the Tax Commissioner may be appealed under the
24 Administrative Procedure Act.
25 (3)".
26 4. On page 13, line 9, strike "(3)" and insert "(4)".
27 5. Renumber the remaining sections and correct the
1 repealer and internal references accordingly.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 57. Indefinitely postponed.
LEGISLATIVE BILL 280. Indefinitely postponed.
LEGISLATIVE BILL 387. Indefinitely postponed.
LEGISLATIVE BILL 388. Indefinitely postponed.
LEGISLATIVE BILL 601. Indefinitely postponed.
LEGISLATIVE BILL 648. Indefinitely postponed.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 440. Title read. Considered.

The Standing Committee amendment, AM1414, found on page 1429, was considered.

Senator Beutler withdrew his pending amendment, AM1590, found on page 1487.

Senator Beutler renewed his pending amendment, AM1661, found on page 1544, to the Standing Committee amendment.

Senators Engel, Jones, and Kruse asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Mines moved the previous question. The question is, "Shall the debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Hartnett requested a roll call vote on the motion to cease debate.

Senator Thompson requested the roll call vote be taken in reverse order.

Voting in the affirmative, 16:

Aguilar	Cunningham	Landis	Raikes
Baker	Foley	Louden	Schrock
Brown	Friend	Mines	Tyson
Burling	Hudkins	Price	Wehrbein

Voting in the negative, 27:

Bourne	Erdman	Maxwell	Quandahl	Synowiecki
Bromm	Hartnett	McDonald	Redfield	Thompson
Byars	Janssen	Mossey	Schimek	Vrtiska
Chambers	Jensen	Pedersen, Dw.	Smith	
Combs	Johnson	Pederson, D.	Stuhr	
Connealy	Kremer	Preister	Stuthman	

Present and not voting, 3:

Beutler	Brashear	Cudaback

Excused and not voting, 3:

Engel	Jones	Kruse

The motion to cease debate failed with 16 ayes, 27 nays, 3 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.

The Beutler amendment was adopted with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, 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 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 282.

Correctly Engrossed

The following bill was correctly engrossed: LB 667.

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senators Preister and Byars filed the following amendment to LB 626:
AM1671

(Amendments to Final Reading copy)

- 1 1. On page 3, lines 16 and 17, strike "the Nebraska
2 state colleges,"; and in line 20 after "(3)" insert "The Nebraska
3 state colleges shall document all contracts for services through
4 the state accounting system.
5 (4)".
- 6 2. On page 6, strike lines 15 through 17 and insert
7 "(e) Contracts with direct providers of medical,
8 behavioral, or developmental health services, child care, or child
9 welfare services to an individual"; and in line 22 strike "to be
10 performed by or".
- 11 3. On page 7, line 7, strike "proposed" and insert
12 "proposals for"; and in line 26 strike "cost" and insert
13 "disadvantages".

SELECT FILE

LEGISLATIVE BILL 754. E & R amendment, AM7099, found on page 1211, was adopted.

Senator Bromm withdrew the Bromm et al. pending amendment, AM1541, found on page 1467.

Senator Bromm renewed the Bromm et al. pending amendment, AM1577, found on page 1505.

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

SENATOR JANSSEN PRESIDING

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Vrtiska 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 Bourne asked unanimous consent to be excused. No objections. So ordered.

The Bromm et al. amendment was adopted with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 743:
AM1663

(Amendments to AM1484)

- 1 1. On page 3, line 3, strike "a person" and insert "or
- 2 on behalf of any person, or any subsidiary or affiliate of such
- 3 person.".

Senator Byars filed the following amendment to LB 303:
AM1668

(Amendments to E & R amendments, AM7100)

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 60-6,265, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,265. For purposes of sections 60-6,266 to ~~60-6,273~~
- 5 ~~60-6,272~~, occupant protection system ~~shall mean~~ means a system
- 6 utilizing a lap belt, a shoulder belt, or any combination of belts
- 7 installed in a motor vehicle which (1) restrains drivers and
- 8 passengers and (2) conforms to Federal Motor Vehicle Safety
- 9 Standards, 49 C.F.R. 571.208, 571.209, and 571.210, as such
- 10 standards existed on the operative date of this section, or to the
- 11 federal motor vehicle safety standards for passenger restraint
- 12 systems applicable for the motor vehicle's model year, as such
- 13 standards existed on the operative date of this section.
- 14 Sec. 8. Section 60-6,272, Reissue Revised Statutes of
- 15 Nebraska, is amended to read:
- 16 60-6,272. Any person who violates section 60-6,270 ~~shall~~
- 17 ~~be is~~ guilty of a traffic infraction and shall be fined twenty-five
- 18 dollars, ~~but no court costs shall be assessed against him or her~~
- 19 ~~nor shall any points be assessed against the driving record of such~~
- 20 ~~person~~. Regardless of the number of persons in such vehicle not
- 21 wearing an occupant protection system pursuant to such section,
- 22 only one violation shall be assessed against the driver of such
- 23 motor vehicle for each time the motor vehicle is stopped and a
- 1 violation of such section is found. A peace officer shall not
- 2 search or inspect a motor vehicle, its contents, the operator, or
- 3 any passenger solely because of a violation of section 60-6,270.".

- 4 2. On page 15, strike beginning with "violations" in
5 line 9 through the second comma in line 10 and show as stricken.
6 3. On page 25, line 22, after "sections" insert
7 "60-6,265, 60-6,272,".
8 4. On page 26, line 3, after "Sections" insert
9 "60-6,271, 60-6,273,".
10 5. Renumber the remaining sections, correct internal
11 references accordingly, and amend the operative date section so
12 that the sections added by this amendment become operative on
13 January 1, 2005.

Senator Bourne filed the following amendment to LB 540:
AM1616

(Amendments to AM1287)

- 1 1. Insert the following new section:
2 "Sec. 9. Section 79-1083.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 79-1083.01. ~~It is the intent of the Legislature that any~~
5 Any reductions in a school district budget, made to comply with the
6 budget limitation in the Tax Equity and Educational Opportunities
7 Support Act, shall affect classroom expenses as a last resort. For
8 purposes of this section, classroom expenses includes programs and
9 courses offered as part of the school curriculum and the cost of
10 teaching and administrative certificated employees needed to offer
11 such programs. Classroom expenses does not include technology,
12 equipment, supplies, maintenance, the cost of noncertificated
13 employees, transportation, extracurricular programs and activities,
14 capital expenditures, and national travel."
15 2. Renumber the remaining sections and amend the
16 repealer accordingly.

Senator Kruse filed the following amendment to LB 208:
(Amendment, AM1632, is printed separately and available in the Bill Room,
Room 1104.)

Senators Mines, Janssen, and Johnson filed the following amendment to
LB 540:
AM1660

(Amendments to AM1287)

- 1 1. Insert the following new section:
2 "Sec. 2. Section 13-519, Revised Statutes Supplement,
3 2002, is amended to read:
4 13-519. (1) For fiscal years beginning on or after July
5 1, 1996, and before July 1, 1997, no governmental unit shall adopt
6 a budget containing a total of budgeted restricted funds more than
7 the last prior year's total of budgeted restricted funds plus
8 population growth plus two percent expressed in dollars. For
9 cities of the first and second class and villages, restricted funds
10 shall be reduced to take into account the fourteen-month fiscal

11 year for 1995-96. For fiscal years beginning on or after July 1,
12 1997, and before July 1, 1998, no governmental unit shall adopt a
13 budget containing a total of budgeted restricted funds more than
14 the last prior year's total of budgeted restricted funds plus
15 population growth expressed in dollars. For all fiscal years
16 beginning on or after July 1, 1998, no governmental unit shall
17 adopt a budget containing a total of budgeted restricted funds more
18 than the last prior year's total of budgeted restricted funds plus
19 allowable growth plus the basic allowable growth percentage of the
20 base limitation established under section 77-3446. For all fiscal
21 years beginning on or after July 1, 1998, and before July 1, 1999,
22 the last prior year's total of restricted funds shall be the last
23 prior year's total of restricted funds not excluding restricted
1 funds budgeted for acquisition or replacement of tangible personal
2 property with a useful life of five years or more in the last prior
3 year or the year before the last prior year, whichever excluded the
4 most, plus restricted funds budgeted to pay for lease-purchase
5 contracts approved on or after July 1, 1997, and before July 1,
6 1998, to the extent the lease payments are not budgeted restricted
7 funds for fiscal year 1997-98. For all fiscal years beginning on
8 or after July 1, 2001, and before July 1, 2002, the last prior
9 year's total of restricted funds shall be the last prior year's
10 total of restricted funds plus any amount budgeted to be received
11 from the Natural Resources Enhancement Fund in fiscal year
12 1999-2000. For the second fiscal year in which a county will
13 receive a full year of receipts from the tax imposed in sections
14 77-27,223 to 77-27,227, the prior year's total of restricted funds
15 shall be the prior year's total of restricted funds plus the total
16 receipts from the tax imposed in sections 77-27,223 to 77-27,227 in
17 the prior year. If a governmental unit transfers the financial
18 responsibility of providing a service financed in whole or in part
19 with restricted funds to another governmental unit or the state,
20 the amount of restricted funds associated with providing the
21 service shall be subtracted from the last prior year's total of
22 budgeted restricted funds for the previous provider and may be
23 added to the last prior year's total of restricted funds for the
24 new provider. For governmental units that have consolidated, the
25 calculations made under this section for consolidating units shall
26 be made based on the combined total of restricted funds,
27 population, or full-time equivalent students of each governmental
1 unit.

2 (2) In addition to the increase allowed in subsection (1)
3 of this section, for fiscal years beginning on or after July 1,
4 1998, and before July 1, 1999, a governmental unit may increase its
5 budget of restricted funds no more than four percent to create or
6 increase an existing qualified sinking fund or funds upon the
7 affirmative vote of at least seventy-five percent of the governing
8 body. Any unused authority granted in this subsection may not be
9 carried forward under section 13-521.

- 10 (3) A governmental unit may exceed the limit provided in
11 subsection (1) of this section for a fiscal year by up to an
12 additional ~~one~~ two percent upon the affirmative vote of at least
13 seventy-five percent of the governing body.
- 14 (4) A governmental unit may exceed the applicable
15 allowable growth percentage otherwise prescribed in this section by
16 an amount approved by a majority of legal voters voting on the
17 issue at a special election called for such purpose upon the
18 recommendation of the governing body or upon the receipt by the
19 county clerk or election commissioner of a petition requesting an
20 election signed by at least five percent of the legal voters of the
21 governmental unit. The recommendation of the governing body or the
22 petition of the legal voters shall include the amount and
23 percentage by which the governing body would increase its budgeted
24 restricted funds for the ensuing year over and above the current
25 year's budgeted restricted funds. The county clerk or election
26 commissioner shall call for a special election on the issue within
27 fifteen days after the receipt of such governing body
1 recommendation or legal voter petition. The election shall be held
2 pursuant to the Election Act, and all costs shall be paid by the
3 governing body. The issue may be approved on the same question as
4 a vote to exceed the levy limits provided in section 77-3444.
- 5 (5) In lieu of the election procedures in subsection (4)
6 of this section, any governmental unit may exceed the allowable
7 growth percentage otherwise prescribed in this section by an amount
8 approved by a majority of legal voters voting at a meeting of the
9 residents of the governmental unit, called after notice is
10 published in a newspaper of general circulation in the governmental
11 unit at least twenty days prior to the meeting. At least ten
12 percent of the registered voters residing in the governmental unit
13 shall constitute a quorum for purposes of taking action to exceed
14 the allowable growth percentage. If a majority of the registered
15 voters present at the meeting vote in favor of exceeding the
16 allowable growth percentage, a copy of the record of that action
17 shall be forwarded to the Auditor of Public Accounts along with the
18 budget documents. The issue to exceed the allowable growth
19 percentage may be approved at the same meeting as a vote to exceed
20 the limits or final levy allocation provided in section 77-3444."
- 21 2. On page 1, strike beginning with "in" in line 8
22 through the first comma in line 9, show as stricken, and insert an
23 underscored comma.
- 24 3. Amend the repealer and renumber the remaining
25 sections accordingly.

VISITORS

Visitors to the Chamber were Reynold and Joan Lofgren from International Falls, Minnesota, and Juanita and Johanna Trexel from Ceresco; 39 fourth-grade students and teachers from Fort Calhoun; 32 fourth-grade

students and teachers from Rose Hill Elementary School, Omaha; and 24 eighth-grade students and teachers from Shell Creek Elementary School, Columbus.

ADJOURNMENT

At 2:09 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Monday, May 5, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 5, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 5, 2003

PRAYER

The prayer was offered by Senator Burling.

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, Bourne, Brashear, Combs, Engel, Landis, Maxwell, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

SELECT FILE

LEGISLATIVE BILL 754. Senator Beutler withdrew his pending amendment, FA1338, found on page 1505.

Senator Bromm offered the following amendment:
AM1694

(Amendments to AM1577)

- 1 1. On page 1, line 3, after "exception" insert "for a
- 2 livestock operation specifically identified in the county zoning
- 3 regulations as a classification of use which may require special
- 4 conditions or requirements to be met within an area of a county
- 5 zoned for agricultural use".

The Bromm amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment:
FA1344
Amend AM7099

On page 1, strike lines 2 to 24 and on page 2, strike lines 1 to 19.

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

Senator Kremer 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 Chambers withdrew his amendment.

Senator Beutler offered the following amendment:

FA1345

Amend AM7099

Strike all new language in Section 3, Subsections (1) through (5) and all amendments thereto.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

Senators Brashear and Mossey asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Jones moved the previous question. The question is, "Shall the debate now close?"

Senator Jones moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Beutler requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Baker	Cunningham	Jones	Pederson, D.	Stuthman
Bromm	Engel	Kremer	Raikes	Tyson
Brown	Erdman	Kruse	Redfield	Vrtiska
Burling	Friend	Louden	Schrock	
Byars	Janssen	Mines	Smith	
Combs	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 11:

Beutler	Hartnett	McDonald	Synowiecki
Chambers	Hudkins	Price	Thompson
Connealy	Landis	Schimek	

Present and not voting, 5:

Cudaback Foley Johnson Preister Wehrbein

Excused and not voting, 6:

Aguilar Brashear Mossey
Bourne Maxwell Quandahl

The motion to cease debate prevailed with 27 ayes, 11 nays, 5 present and not voting, and 6 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.

The Beutler amendment lost with 11 ayes, 21 nays, 10 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following motion:
Reconsider the vote on FA1345.

Pending.

Senator Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 79. Read. Considered.

LR 79 was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

COMMUNICATION

Received a petition from the Douglas County Board of Commissioners.

RESOLUTION

LEGISLATIVE RESOLUTION 85. Introduced by Byars, 30.

PURPOSE:

The purpose of this resolution is for the Health and Human Services Committee of the Legislature to study whether the current prior authorization system for Medicaid recipients who receive prescription drugs has adequate safeguards for the protection of the health and safety of patients. Such prior authorization system should provide a meaningful opportunity for interested parties including patients, physicians, and

pharmaceutical manufacturers to appeal decisions of the Department of Health and Human Services to ensure that any limitations imposed on any drug, or its use for a specific indication, are based on sound clinical evidence including labeling, drug compounding, and peer reviewed clinical literature pertaining to the use of the drug for the relevant populations. The committee shall also study the measurement perimeter established by the department to document the overall fiscal impact of the prior authorization system on the entire Medicaid program.

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

VISITORS

Visitors to the Chamber were 46 fourth-grade students and teachers from St. Wenceslaus School, Wahoo; seventh- and eighth-grade students and teacher from Phelps County; and 86 fourth-grade students and teacher from St. Pius The X/St. Leo School, Omaha.

RECESS

At 11:55 a.m., on a motion by Senator Byars, 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 Quandahl who was excused; and Senators Bourne, Brown, Cunningham, Landis, Dw. Pedersen, Preister, and Price who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 285:
AM1696

(Amendments to Standing Committee amendments, AM1643)

- 1 1. Strike sections 1 and 6.
- 2 2. On page 12, line 19, strike "77-2602," and after the
- 3 last comma insert "and"; and in line 20 strike "and 77-4008,".

- 4 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 798:
AM1701

- 1 1. On page 3, line 7, strike "three" and insert
- 2 "twenty-three".

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 379. Placed on General File.

LEGISLATIVE BILL 287. Placed on General File as amended.
Standing Committee amendment to LB 287:
AM1710

- 1 1. Strike original section 2.
- 2 2. On page 7, strike beginning with "section" in line 23
- 3 through "and" in line 24; and in line 25 strike "are" and insert
- 4 "is".
- 5 3. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 754. Senator Chambers asked unanimous consent to withdraw his pending motion, found in this day's Journal, to reconsider the vote on FA1345. No objections. So ordered.

Senator Chambers offered the following amendment:
FA1346

Amend AM7099

On page 2, after line 10 add a new subsection: "The designation of any county or counties as a livestock friendly county shall not be an indication nor shall it suggest that any county that does not seek or obtain such a designation is not friendly to livestock production.

The Chambers 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:
FA1348

Amend AM7099

On page 2, after line 19 add a new subsection: "Nothing in this section shall prohibit or prevent any county board from adopting a resolution that designates the county a livestock friendly county."

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

The Chambers amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA1349

Amend AM1577

On page 1 in line 20 strike "that" and insert "whether", and strike "not"

The Chambers amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Pending.

GENERAL FILE

LEGISLATIVE BILL 602. Title read. Considered.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, AM0971, found on page 1181, was considered.

Pending.

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 208:
AM1690

(Amendments to AM1632)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 28-394, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 28-394. (1) A person who causes the death of an unborn
- 5 child unintentionally while engaged in the operation of a motor
- 6 vehicle in violation of the law of the State of Nebraska or in
- 7 violation of any city or village ordinance commits motor vehicle
- 8 homicide of an unborn child.
- 9 (2) Except as provided in subsection (3) of this section,
- 10 motor vehicle homicide of an unborn child is a Class I misdemeanor.
- 11 (3)(a) If the proximate cause of the death of an unborn
- 12 child is the operation of a motor vehicle in violation of section
- 13 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is
- 14 a Class ~~IV~~ IIIA felony.
- 15 (b) Except as provided in subdivision (3)(c) of this
- 16 section, if the proximate cause of the death of an unborn child is
- 17 the operation of a motor vehicle in violation of section 60-6,196,
- 18 motor vehicle homicide of an unborn child is a Class ~~IV~~ IIIA felony

19 and the court shall, as part of the judgment of conviction, order
 20 the person not to drive any motor vehicle for any purpose for a
 21 period of at least ~~sixty days~~ one year and not more than fifteen
 22 years after the date ordered by the court and shall order that the
 23 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 (c) If the proximate cause of the death of an unborn
 4 child is the operation of a motor vehicle in violation of section
 5 60-6,196 and the defendant has a prior conviction ~~under~~ for a
 6 violation of such section, under a city or village ordinance
 7 enacted in conformance with such section, or under a law of another
 8 state if, at the time of the conviction under the law of such other
 9 state, the offense for which the defendant was convicted would have
 10 been a violation of section 60-6,196, or a city or village
 11 ordinance enacted pursuant to such section, motor vehicle homicide
 12 of an unborn child is a Class III felony and the court shall, as
 13 part of the judgment of conviction, order the person not to drive
 14 any motor vehicle for any purpose for a period of at least ~~sixty~~
 15 days one year and not more than fifteen years after the date
 16 ordered by the court and shall order that the operator's license of
 17 such person be revoked for the same period. ~~The revocation shall~~
 18 ~~not run concurrently with any jail term imposed."~~.

19 2. Renumber the remaining sections and correct internal
 20 references and the repealer accordingly.

Senator Baker filed the following amendment to LB 743:
 AM1688

(Amendments to AM1484)

- 1 1. On page 3, line 3, strike the first "a" and insert
- 2 "or on behalf of any".

Senator Kruse filed the following amendment to LB 208:
 AM1692

(Amendments to AM1632)

- 1 1. Strike section 11 and insert the following new
- 2 section:
- 3 "Sec. 11. Section 60-6,198, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 60-6,198. (1) A person commits aggravated driving under
- 6 the influence in the first degree if while engaged in the operation
- 7 or actual physical control of a motor vehicle in violation of
- 8 section 60-6,196:
- 9 (a) He or she causes the serious bodily injury of
- 10 another. Serious bodily injury means bodily injury which involves
- 11 a substantial risk of death, a substantial risk of serious
- 12 permanent disfigurement, or a temporary or protracted loss or
- 13 impairment of the function of any part or organ of the body;
- 14 (b) He or she operates the motor vehicle to flee in such

15 motor vehicle in an effort to avoid arrest; or
16 (c) He or she has a concentration of sixteen-hundredths
17 of one gram or more by weight of alcohol per one hundred
18 milliliters of his or her blood or per two hundred ten liters of
19 his or her breath and such person has had a prior conviction for a
20 violation of section 60-6,196 with a concentration of
21 sixteen-hundredths of one gram or more by weight of alcohol per one
22 hundred milliliters of his or her blood or per two hundred ten
23 liters of his or her breath.

1 (2) A person commits aggravated driving under the
2 influence in the second degree if, while engaged in the operation
3 or actual physical control of a motor vehicle in violation of
4 section 60-6,196, he or she has no valid operator's license because
5 it has been revoked pursuant to subdivision (2)(c) or (2)(d) of
6 section 60-6,196 or subdivision (4)(c) or (4)(d) of section
7 60-6,197, as such subdivisions existed prior to the effective date
8 of this act, or subdivision (3) or (4) of section 16 of this act.

9 (3)(a) Aggravated driving under the influence in the
10 first degree is a Class IIIA felony. The court shall, as part of
11 the judgment of conviction, order the person not to drive any motor
12 vehicle for a period of at least one year and not more than fifteen
13 years and shall order that the operator's license of such person be
14 revoked for the same period.

15 (b) Aggravated driving under the influence in the second
16 degree is a Class IV felony, except that if such person has had a
17 conviction under this section prior to the date of the current
18 conviction under this section, such person is guilty of a Class III
19 felony.

20 (4) An order of the court described in subdivision (3)(a)
21 of this section shall be administered upon sentencing, upon final
22 judgment of any appeal or review, or upon the date that any
23 probation is revoked, whichever is later. Any person who, while
24 operating a motor vehicle in violation of section 60-6,196 or
25 60-6,197, proximately causes serious bodily injury to another
26 person shall be guilty of a Class IIIA felony and the court shall,
27 as part of the judgment of conviction, order the person not to
1 drive any motor vehicle for any purpose for a period of at least
2 sixty days and not more than fifteen years from the date ordered by
3 the court and shall order that the operator's license of such
4 person be revoked for the same period.

5 (2) For purposes of this section, serious bodily injury
6 shall mean bodily injury which involves a substantial risk of
7 death, a substantial risk of serious permanent disfigurement, or a
8 temporary or protracted loss or impairment of the function of any
9 part or organ of the body."

10 2. On page 10, line 14; page 32, lines 7, 8, and 15; and
11 page 42, line 5, after "revocation" insert "or impoundment".

12 3. On page 29, line 23, strike "(4)", show as stricken,
13 and insert "(3)".

- 14 4. On page 45, line 18, strike "sections" and insert
15 "section"; and in lines 20 and 22 after "any" insert "of".
16 5. On page 46, lines 19 and 20; page 47, lines 8 and 9;
17 and page 48, line 4, strike "as defined in section 15 of this act".
18 6. On page 48, lines 2 and 3, strike "as defined in
19 section 20 of this act".
20 7. On page 49, line 1, strike ". The court shall also"
21 and insert "and shall"; and strike beginning with "Such" in line 5
22 through the period in line 6.

Senator Jensen filed the following amendment to LB 303:

AM1435

(Amendments to E & R amendments, AM7100)

- 1 1. On page 16, line 21; and page 17, line 10, after
2 "coverage" insert "of at least one hundred thousand dollars".

Senator Synowiecki filed the following amendment to LB 208:

AM1684

(Amendments to AM1632)

- 1 1. On page 2, line 11, after "and" insert "one hundred
2 dollars to".
3 2. On page 47, line 7, after "a" insert
4 "one-hundred-dollar to".

MOTION - Print in Journal

Senator McDonald filed the following motion to LB 754:

Recommit LB 754 to committee for a public hearing.

GENERAL FILE

LEGISLATIVE BILL 602. Senator Schimek renewed her pending amendment, AM1294, found on page 1265, to the Standing Committee amendment.

SPEAKER BROMM PRESIDING

SENATOR RAIKES PRESIDING

SPEAKER BROMM PRESIDING

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 407. Placed on Select File as amended.
E & R amendment to LB 407:

AM7120

1 1. In the Standing Committee amendments, AM1111:
 2 a. Strike sections 5 and 176 and insert the following
 3 new sections:
 4 "Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.
 5 The definitions contained in the Nebraska Accounting
 6 System Manual, and any amendments thereto, on file with the Clerk
 7 of the Legislature are hereby adopted by the Legislature as the
 8 definitions for this act, except as provided in sections 132 and
 9 270 of this act.
 10 In order to facilitate the ongoing conversion from the
 11 Nebraska Accounting System (NAS) to the Nebraska Information System
 12 (NIS) and in order to facilitate the technical requirements of the
 13 Nebraska Information System, the budget administrator of the budget
 14 division of the Department of Administrative Services may provide
 15 to the Accounting Administrator a listing of duplicate
 16 appropriations program numbers and descriptions and their
 17 recommended replacements. The Accounting Administrator may
 18 implement such replacement program numbers and descriptions in the
 19 Nebraska Information System at such time as is most expeditious and
 20 amenable for the accounting division and budget division of the
 21 Department of Administrative Services and for the state agencies
 22 involved. The budget administrator shall inform the Legislative
 23 Fiscal Analyst of all such changes as they are completed in the
 24 Nebraska Information System.

1 Sec. 172. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
 2 Program No. 781 - University - Administration
 3 (1) There is hereby appropriated to the Board of Regents
 4 of the University of Nebraska for expenditure and distribution to
 5 the campuses by the University of Nebraska Central Administration
 6 the following sums of money.

	FY2003-04	FY2004-05
7 GENERAL FUND	398,336,569	407,450,281
9 PROGRAM TOTAL	398,336,569	407,450,281

10 (2) It is intended that the University of Nebraska
 11 Central Administration, upon approval of the Board of Regents of
 12 the University of Nebraska, divide and distribute the funds
 13 appropriated in this section among all the campuses and the central
 14 administration, including, but not limited to, the Nebraska College
 15 of Technical Agriculture at Curtis and the University of Nebraska
 16 at Kearney. At the direction of the board, these funds may be
 17 supplemented by Cash Funds, Federal Funds, Revolving Funds, and
 18 Trust Funds.

19 (3) There is included in the appropriation to this
 20 program for FY2003-04 an estimated \$2,198,541 General Funds and for
 21 FY2004-05 an estimated \$2,223,470 General Funds for the Nebraska
 22 College of Technical Agriculture at Curtis.

23 (4) There is included in the appropriation to this
 24 program for FY2003-04 \$450,000 General Funds and for FY2004-05

25 \$450,000 General Funds to continue the Nebraska Forest Service
26 Program, including the Fire Control Program.

27 (5)(a) There is included in the appropriation to this

1 program for the Board of Regents of the University of Nebraska for
2 FY2003-04 an estimated \$10,899,636 General Funds and for FY2004-05
3 an estimated \$10,749,535 General Funds, to be administered by
4 Central Administration, for the purpose of targeted research
5 activities at the University of Nebraska. It is intended that none
6 of these funds be used for new capital construction or renovation,
7 except that a small portion may be used for short-term cash flow.
8 Further, it is intended that an estimated \$296,062 of the estimated
9 \$10,899,636 for FY2003-04 and an estimated \$291,985 of the
10 estimated \$10,749,535 for FY2004-05 be used in conjunction with the
11 Experimental Program to Stimulate Competitive Research (EPSCoR)
12 which is expected to have an increased emphasis on applied research
13 and technology transfer.

14 (b) It is intended that faculty teams, research centers,
15 or individual faculty from the various colleges and departments of
16 all of the campuses of the University of Nebraska should present
17 research proposals to the Research Fund Advisory Committee and
18 Central Administration for the various targeted research areas
19 after the FY2003-04 appropriation has been made but prior to August
20 15, 2003. Inherent in this process is the concept that the best
21 proposals be selected regardless of the campus of origin and that
22 selections be made on a competitive basis.

23 (c) It is intended for the EPSCoR Program that faculty
24 teams, clusters, research centers, or individual faculty from the
25 various colleges and departments of all of the campuses of the
26 University of Nebraska and Creighton University should present to
27 the EPSCoR Planning Committee research proposals to be funded by
1 the EPSCoR Program. Inherent in this process is the concept that
2 the best proposals be selected regardless of the campus of origin
3 and that selections be made on a competitive basis. Emphasis shall
4 be placed on technology transfer and the research needs of business
5 and industry. It is intended that the EPSCoR Planning Committee
6 shall continue to develop the Nebraska State Science and Technology
7 Transfer Plan as part of the EPSCoR Program. It is further
8 intended that the existing Research Fund Advisory Committee and the
9 existing EPSCoR Planning Committee coordinate and integrate the
10 planning and project evaluation criteria and procedures for both
11 the Nebraska Research Initiative Program and the EPSCoR Program.
12 Matching funds for any research grants to Creighton University
13 shall be in the form of a contract in which specific services are
14 identified and a time period is specified. Creighton University
15 shall provide an appropriate share of any match.

16 (d) The unexpended appropriations balance from the
17 \$11,546,225 estimated General Funds appropriated for research
18 existing on June 30, 2003, and the unexpended appropriations
19 balance from the estimated \$10,899,636 General Funds appropriated

20 for research existing on June 30, 2004, is hereby reappropriated.

21 (6) The unexpended appropriations balance from any cash
22 fund allocation established by the Board of Regents for the Tobacco
23 Settlement funds received pursuant to section 24 of LB 692,
24 Ninety-seventh Legislature, First Session, 2001, existing on June
25 30, 2003, and the unexpended appropriations balance existing on
26 June 30, 2004, is hereby reappropriated.

27 (7)(a) There is included in the appropriation to this
1 program for FY2003-04 an estimate of \$563,432 General Funds for
2 state aid for optometry student contracts. There is included in
3 the appropriation to this program for FY2004-05 an estimate of
4 \$555,673 General Funds for state aid for optometry contracts.

5 (b) There is included in the appropriation to this
6 program for FY2003-04 \$502,000 General Funds for veterinary
7 medicine student contracts. There is included in the appropriation
8 to this program for FY2004-05 \$1,450,125 General Funds for
9 veterinary medicine student contracts.

10 (c) The unexpended appropriations balance for optometry
11 student contracts and veterinary medicine student contracts for
12 FY2002-03 and existing on June 30, 2003, and the unexpended
13 appropriations balance for optometry student contracts and
14 veterinary medicine student contracts for FY2003-04 and existing on
15 June 30, 2004, is hereby reappropriated.

16 (8) Appropriations to the Board of Regents contained in
17 this section are estimated to facilitate student financial aid in
18 the form of tuition waivers in amounts estimated at \$35,717,015 for
19 FY2003-04 and \$35,225,149 for FY2004-05.

20 (9) In accordance with information provided to the budget
21 administrator by the University of Nebraska, any unexpended balance
22 of up to \$500,000 General Funds appropriated for Escherichia coli
23 0157:H7 research in Laws 1998, LB 1108, section 59, and any
24 unexpended balance of up to \$500,000 General Funds appropriated for
25 Escherichia coli 0157:H7 research in Laws 2000, LB 1217, section
26 102, along with any undisbursed appropriations balance from the
27 \$245,000 General Funds appropriated for the same purpose for
1 FY2001-02 in Laws 2002, Second Special Session, LB 2, section 99,
2 and existing on June 30, 2003, be lapsed to Fund 1000 no later than
3 July 1, 2003.

4 (10) It is intended that:

5 (a) The University of Nebraska shall report its
6 expenditures on the Allotment Status Report and Regular Budget
7 Status Report according to its internal operational and
8 organizational structure, subject to approval by the Accounting
9 Administrator and the budget administrator;

10 (b) The University of Nebraska shall report its
11 expenditures on the Program Classification Expenditure Report in
12 the NCHEMS-Program Classification Structure, Second Edition,
13 subject to approval by the Accounting Administrator and the budget
14 administrator;

15 (c) The University of Nebraska shall submit the budget
16 request in the NCHEMS-Program Classification Structure, Second
17 Edition, for the University of Nebraska-Lincoln with an
18 informational budget request for the Institute of Agriculture and
19 Natural Resources, University of Nebraska at Omaha, University of
20 Nebraska Medical Center, University of Nebraska at Kearney,
21 Nebraska College of Technical Agriculture at Curtis, and University
22 of Nebraska Central Administration;

23 (d) Comprehensive computer plans at the University of
24 Nebraska shall be biennially updated and submitted to the
25 Legislative Fiscal Analyst and to the budget division of the
26 Department of Administrative Services on or before September 1 of
27 odd-numbered years; and

1 (e) The Nebraska Educational Data System created by Laws
2 1978, LB 897, shall be utilized to support the appropriations and
3 oversight process for postsecondary education. It is further the
4 intent of the Legislature that all institutions shall provide the
5 data in the precise formats required by the Coordinating Commission
6 for Postsecondary Education and that any expenditure of General
7 Funds on the development of new information systems, including any
8 student information system, meet the requirements of the Nebraska
9 Educational Data System as determined by the Coordinating
10 Commission for Postsecondary Education.

11 (11) It is recognized that Nebraska businesses
12 increasingly compete in a global setting. The Legislature further
13 recognizes that the best preparation for competing in a global
14 economy and a diverse workplace is a broad higher educational
15 experience. Programs designed to promote excellence in higher
16 education by enhancing student exposure to faculty of diverse
17 cultural, racial, and ethnic backgrounds and women faculty should
18 be a goal of the University of Nebraska system. The Board of
19 Regents of the University of Nebraska should encourage the
20 recruitment, development, and retention of outstanding faculty,
21 especially women and minorities, to better reflect the realities
22 faced by graduates in a diverse society and global economy, and to
23 provide University of Nebraska students with a complete educational
24 experience. To implement the goal of recruiting, developing, and
25 retaining minority and women faculty, it is intended that:

26 (a) The University of Nebraska system should dedicate a
27 portion of its salary appropriation to the recruitment and hiring
1 of minority and women faculty members in all areas of academic
2 pursuit with the goal of being among the top twenty-five percent
3 among the Board of Regents' peer institutions in the employment of
4 women and minority faculty members;

5 (b) By August 1, 2005, the University of Nebraska system
6 should be among the top fifty percent among the Board of Regents'
7 peer institutions in the employment of women and minority faculty
8 members;

9 (c) The University of Nebraska submit an updated report

10 to the Legislature by January 1, 2004, which updates a plan
11 containing yearly benchmark standards to be met in achieving the
12 minimal goal of being among the top fifty percent among the Board
13 of Regents' peer institutions in the employment of women and
14 minority faculty members by August 1, 2005;

15 (d) The University of Nebraska update benchmark standards
16 biennially; and

17 (e) Beginning with the 2000-01 budget, and each year
18 thereafter, the Legislature may reduce the University of Nebraska's
19 General Fund appropriation by one percent for operations, excluding
20 state aid and capital construction, for each year the University
21 fails to meet the benchmark standards established by the updated
22 plan as reported to the Legislature.

23 It is intended that the Legislature reauthorize the
24 Select Committee on Gender and Minority Equity and the Executive
25 Board of the Legislative Council appoint members of the Legislature
26 to the select committee.";

27 b. On page 6, line 11, strike "Division"; and in line 15
1 strike "Office";

2 c. On page 8, line 14, strike "Computer" and insert
3 "Court";

4 d. On page 13, lines 20, 21, and 27; and page 14, line
5 1, strike "Number";

6 e. On page 20, strike beginning with the second "of" in
7 line 16 through "Services" in line 17;

8 f. On page 26, line 12, after "418" insert a comma; and
9 in line 15 after the second comma insert "for purposes";

10 g. On page 39, line 7, strike "5,218,751" and insert
11 "5,218,951";

12 h. On page 41, line 25; and page 42, line 2, strike "in"
13 and insert "for";

14 i. On page 45, line 13, after "the" insert "Nebraska";
15 and in line 16 after "Finance" insert "and";

16 j. On page 55, lines 17 and 18, after the second "Funds"
17 insert "estimate";

18 k. On page 116, line 4, after "aid" insert a comma;

19 l. On page 120, line 6, strike "27,339,286" and insert
20 "27,339,386";

21 m. On page 129, lines 15 and 16, strike "recipient grant
22 state agencies" and insert "state agency grant recipients";

23 n. On page 132, line 11, after "2003" insert a comma;
24 and in line 12 strike "20" and insert "30";

25 o. On page 140, line 22, strike "Hardship Fund,";

26 p. On page 142, line 7, strike "Cash";

27 q. On page 143, strike beginning with "Nebraska" in line
1 13 through the first comma in line 14;

2 r. On page 149, line 17, after the semicolon insert
3 "and"; and in line 19 strike the semicolon and insert a period; and

4 s. On page 150, line 17, after the colon insert

5 "Department of".

LEGISLATIVE BILL 403. Placed on Select File as amended.

E & R amendment to LB 403:

AM7124

- 1 1. In the Standing Committee amendments, AM1307:
- 2 a. On page 1, line 4, strike the first comma;
- 3 b. On page 4, line 3, strike "state budget administrator
- 4 and" and insert "budget administrator of the budget division of the
- 5 Department of Administrative Services and to";
- 6 c. On page 7, line 4; and page 8, line 10, strike the
- 7 comma; and
- 8 d. On page 8, line 14, strike "sales" and insert "sale".
- 9 2. On page 1, strike beginning with "the" in line 1
- 10 through line 4 and insert "state government; to amend sections
- 11 81-829.42, 81-829.58, 81-829.59, and 81-829.72, Reissue Revised
- 12 Statutes of Nebraska, and sections 72-815 and 72-816, Revised
- 13 Statutes Supplement, 2002; to provide for sale of certain state
- 14 property as prescribed; to provide for the disposition of proceeds;
- 15 to create funds; to change provisions relating to the sale of state
- 16 property; to establish the Governor's Emergency Program; to delete
- 17 obsolete provisions; to harmonize provisions; to repeal the
- 18 original sections; and".

LEGISLATIVE BILL 403A. Placed on Select File.

LEGISLATIVE BILL 408. Placed on Select File as amended.

(E & R amendment, AM7125, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 410. Placed on Select File.

LEGISLATIVE BILL 415. Placed on Select File.

LEGISLATIVE BILL 424. Placed on Select File as amended.

E & R amendment to LB 424:

AM7122

- 1 1. On page 1, strike beginning with "create" in line 1
- 2 through line 3 and insert "amend sections 69-1310, 69-1329, and
- 3 81-1120, Reissue Revised Statutes of Nebraska, and section 69-1317,
- 4 Revised Statutes Supplement, 2002; to create funds; to provide for
- 5 charges and assessments against certain state funds; to provide
- 6 powers and duties; to change provisions relating to the Uniform
- 7 Disposition of Unclaimed Property Act; to provide for abandonment
- 8 of unclaimed life insurance company property as prescribed; to
- 9 provide for transfers of funds; to harmonize provisions; to provide
- 10 an operative date; to repeal the original sections;".

LEGISLATIVE BILL 798. Placed on Select File as amended.

E & R amendment to LB 798:

AM7128

- 1 1. On page 1, strike beginning with "transfer" in line 2
- 2 through line 4 and insert "provide for fund transfers; to repeal
- 3 the original section; and to declare an emergency."

LEGISLATIVE BILL 799. Placed on Select File as amended.
E & R amendment to LB 799:

AM7121

- 1 1. On page 1, line 3, strike "and" and after "section"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 804. Placed on Select File.

LEGISLATIVE BILL 796. Placed on Select File.

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendment to LB 411:

AM7129

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 68-1019.02, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 68-1019.02. The Department of Health and Human Services
- 6 Finance and Support may initiate the following limits as to amount,
- 7 duration, and scope of services or goods recipients may receive
- 8 under the medical assistance program:
- 9 (1) Chiropractic services for all eligible groups: Limit
- 10 the number of manual manipulations to eighteen treatments in a
- 11 five-month period, ~~and~~ limit coverage of stabilization of care to
- 12 one visit per month, and limit adult chiropractic visits to twenty
- 13 per year;
- 14 (2) Podiatric services for all eligible groups: Reduce
- 15 payment by twelve percent for certain surgical procedures if done
- 16 in a hospital outpatient setting rather than in the office of a
- 17 podiatrist;
- 18 (3) Occupational therapy, physical therapy, and speech,
- 19 hearing, and language therapy for adults: Limit coverage of therapy
- 20 provided by home health agencies and emphasize an increase in
- 21 independent therapy by these health care providers;
- 22 (4) Limit amount of payments for ventilator-dependent
- 23 recipients to the cost of care of average institutional costs and
- 24 limit other in-home nursing costs to the highest case-mix level per
- 1 diem for nursing facilities;
- 2 (5) Dental services for adults: Eliminate coverage of
- 3 cast partial dentures and eliminate coverage of partial dentures
- 4 except to replace front teeth;
- 5 (6) Dental services for children: Restrict coverage
- 6 criteria for children's orthodontics by allowing coverage for (a)
- 7 cleft lip and palate and (b) mutilated and severe occlusion cases
- 8 only;

9 (7) Visual care: All routine eye exams to be billed at
10 the intermediate level of care, set maximum payment levels for
11 eyeglass lenses rather than pay laboratory invoice costs, establish
12 medical necessity criteria for eyeglass tints and UV coating, ~~and~~
13 establish a selection of frame styles coverable, and limit adults
14 to one replacement of frames and lenses per year;

15 ~~(7)~~ (8) Durable medical equipment: Reduce payment levels
16 for equipment and supplies, simplify policies and procedures for
17 converting durable medical equipment rental to purchase, and
18 eliminate future coverage of external powered prosthetic devices;

19 ~~(8)~~ (9) Hearing aids: Reduce hearing aid dispensing fees;

20 ~~(9)~~ (10) Further expand the mandate to use bioequivalent
21 generic drugs;

22 ~~(10)~~ (11) Transportation services: Eliminate
23 transportation to non-medicaid-coverable services except for
24 transportation to adult day services as defined in section 71-404;
25 reimbursements and lodging when provided through a hospital shall
26 be included as a medical transportation service under the medical
27 assistance program; and set taxi reimbursement at seventy-five
1 percent of customary charge; and

2 ~~(11)~~ (12) Eliminate coverage of mileage and conference
3 fees for home-based service providers providing outpatient
4 psychiatric services for adults.

5 Sec. 2. Section 68-1020, Revised Statutes Supplement,
6 2002, is amended to read:

7 68-1020. (1) Medical assistance shall be paid on behalf
8 of (a) dependent children, (b) aged, blind, and disabled persons,
9 as defined in sections 43-504 and 68-1002 to 68-1005, and (c) all
10 persons less than ~~twenty-one~~ nineteen years of age who are eligible
11 under section 1905(a)(~~i~~) of the federal Social Security Act, as
12 such section existed on January 1, 2002.

13 (2) The Department of Health and Human Services Finance
14 and Support shall adopt and promulgate rules and regulations
15 governing provision of such medical assistance benefits to
16 qualified persons:

17 (a) Who are presumptively eligible as allowed under ~~42~~
18 ~~U.S.C. 1396a, as such section existed on January 1, 2002, and~~
19 ~~sections 1920A and sections 1920 and 1920B~~ of the federal Social
20 Security Act, as such sections existed on January 1, 2002;

21 (b) Who have a family income equal to or less than one
22 hundred eighty-five percent of the Office of Management and Budget
23 income poverty guideline, as allowed under Title XIX and Title XXI
24 of the federal Social Security Act, as such titles existed on
25 January 1, 2002, without regard to resources, including all
26 children under nineteen years of age and pregnant women as allowed
27 under 42 U.S.C. 1396a, as such section existed on January 1, 2002,
1 and section 2110 of the federal Social Security Act, as such
2 section existed on January 1, 2002. Children described in this
3 subdivision shall remain eligible for six consecutive months from

4 the date of initial eligibility prior to redetermination of
5 eligibility. The department may review eligibility monthly
6 thereafter pursuant to rules and regulations adopted and
7 promulgated by the department. Such rules and regulations shall
8 specify the nature of such reviews and the information upon which
9 such reviews will be based and shall require the consideration of
10 variations in family income and other relevant factors in
11 conducting such reviews. The department may determine upon such
12 review that a child is ineligible for medical assistance benefits
13 if such child no longer meets eligibility standards established by
14 the department. All children currently eligible on August 16,
15 2002, shall have their initial period of continuous eligibility
16 reduced to six months and shall have their eligibility redetermined
17 pursuant to subsection (5) of this section and subdivision (1)(s)
18 of section 68-1713. Beginning on August 16, 2002, the department
19 shall report to the Legislature and the Governor on a quarterly
20 basis until November 3, 2003, and each December 1 thereafter. The
21 report shall include, but shall not be limited to, the number of
22 monthly reviews conducted, the number of children determined to be
23 ineligible under this subdivision, and demographic information
24 concerning the reviews, including family income, county of
25 residence, ages of children, and reasons for ineligibility;

26 (c) Who, for purposes of Title XIX of the federal Social
27 Security Act as provided in subdivision (b) of this subsection, are
1 children in families with income as follows:
2 (i) Equal to or less than one hundred fifty percent of
3 the Office of Management and Budget income poverty guideline with
4 eligible children one year of age or younger;
5 (ii) Equal to or less than one hundred thirty-three
6 percent of the Office of Management and Budget income poverty
7 guideline with eligible children over one year of age and under six
8 years of age; or
9 (iii) Equal to or less than one hundred percent of the
10 Office of Management and Budget income poverty guideline with
11 eligible children six years of age or older and less than nineteen
12 years of age; or
13 (d) Who are medically needy caretaker relatives as
14 allowed under section 1905(a)(ii) of the federal Social Security
15 Act, as such section existed on January 1, 2002. The department
16 shall provide medical assistance until June 30, 2003, to caretaker
17 relatives with family incomes equal to or less than fifty percent
18 of the Office of Management and Budget income poverty guideline and
19 who would otherwise be ineligible for medical assistance on and
20 after August 16, 2002.

21 (3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
22 as such section existed on January 1, 2002, medical assistance
23 shall be paid on behalf of disabled persons as defined in section
24 68-1005 who are in families whose net income is less than two
25 hundred fifty percent of the Office of Management and Budget income

26 poverty guideline applicable to a family of the size involved and
27 who but for earnings in excess of the limit established under 42
1 U.S.C. 1396d(q)(2)(B) of the federal Social Security Act, as such
2 section existed on January 1, 2002, would be considered to be
3 receiving federal Supplemental Security Income. The Department of
4 Health and Human Services shall apply for a waiver to disregard any
5 unearned income that is contingent upon a trial work period in
6 applying the Supplemental Security Income standard. Such disabled
7 persons shall be subject to payment of premiums as a percentage of
8 the family's net income beginning at not less than two hundred
9 percent of the Office of Management and Budget net income poverty
10 guideline. Such premiums shall be graduated based on family income
11 and shall not be less than two percent or more than ten percent of
12 family net income.

13 (4) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
14 as such section existed on January 1, 2002, medical assistance
15 shall be paid on behalf of persons who:

16 (a) Have been screened for breast and cervical cancer
17 under the Centers for Disease Control and Prevention breast and
18 cervical cancer early detection program established under Title XV
19 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
20 as such sections existed on January 1, 2002, in accordance with the
21 requirements of section 1504 of such act, 42 U.S.C. 300n, as such
22 section existed on January 1, 2002, and who need treatment for
23 breast or cervical cancer, including precancerous and cancerous
24 conditions of the breast or cervix;

25 (b) Are not otherwise covered under creditable coverage,
26 as defined in section 2701(c) of the federal Public Health Service
27 Act, 42 U.S.C. 300gg(c), as such section existed on January 1,
1 2002;

2 (c) Have not attained sixty-five years of age; and

3 (d) Are not eligible for medicaid under any mandatory
4 categorically needy eligibility group.

5 (5) Eligibility shall be determined under this section
6 using an income budgetary methodology that determines children's
7 eligibility at no greater than one hundred eighty-five percent of
8 the Office of Management and Budget income poverty guideline and
9 adult eligibility using adult income standards no greater than the
10 applicable categorical eligibility standards established pursuant
11 to state or federal law. Beginning on August 16, 2002, the
12 department shall redetermine eligibility under this section
13 pursuant to such income budgetary methodology and subdivision
14 (1)(s) of section 68-1713.

15 (6) The department shall adopt and promulgate rules and
16 regulations to implement this section.

17 Sec. 3. Original sections 68-1019.02 and 68-1020,
18 Revised Statutes Supplement, 2002, are repealed.

19 Sec. 4. Since an emergency exists, this act takes effect
20 when passed and approved according to law."

LEGISLATIVE BILL 412. Placed on Select File.

LEGISLATIVE BILL 414. Placed on Select File as amended.

E & R amendment to LB 414:

AM7127

- 1 1. On page 1, line 3, strike "a market rate survey" and
- 2 insert "reimbursement rates".

LEGISLATIVE BILL 622. Placed on Select File as amended.

E & R amendment to LB 622:

AM7126

- 1 1. On page 1, line 2, after "provide" insert "a"; and in
- 2 line 3 strike "county property tax" and insert "the County Property
- 3 Tax Relief Program; to suspend appropriations for county property
- 4 tax relief as prescribed".

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 46, 46A, 143, and 500.

ER9056

Enrollment and Review Change to LB 143
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock et al. amendment, AM1623:

a. On page 1, line 7, "line 26" has been struck and "lines 26 and 27" inserted;

b. On page 2, the matter beginning with "in" in line 11 through line 12 has been struck and "after line 13 insert the following new subdivisions:" inserted; and in line 16 "; and" has been struck and an underscored period inserted; and

c. On page 3, line 12, an underscored period has been inserted after "Act".

2. On page 2, lines 16 and 17, the stricken "and (3)" has been reinstated; and in line 17 the new matter has been struck.

(Signed) Ray Mossey, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 86. Introduced by McDonald, 41; Synowiecki, 7; Mossey, 3.

PURPOSE: The purpose of this resolution is to study whether Nebraska should adopt legislation requiring the use of uniform digitized law enforcement identification for all peace officers in the state as defined in

section 49-801.

Nebraska does not have a common standard for law enforcement identification. Identification varies with the law enforcement agency and most identification cards can be easily forged with a minimum of effort and equipment.

In order to carry out the purpose of this resolution, the Judiciary Committee of the Legislature should seek the assistance of the Nebraska Commission on Law Enforcement and Criminal Justice and consider the input of interested persons as the committee deems necessary and useful.

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

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 574A. 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 574, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 78 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 78 and 79.

GENERAL FILE

LEGISLATIVE BILL 602. Senator Schimek withdrew her pending amendment, AM1294, found on page 1265 and considered in this day's Journal.

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

AM1718

(Amendments to Standing Committee amendments, AM0971)

- 1 1. On page 1, strike beginning with the comma in line 7
- 2 through "humans" in line 11; and in line 18 after "reproduction"
- 3 insert "which involves implanting an embryo in a uterus and which
- 4 is".

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

Senator Chambers offered the following motion:
Recommit to the Judiciary Committee.

Senator Mines asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Pending.

SELECT COMMITTEE REPORT Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 305.

ER9058

Enrollment and Review Change to LB 305 (Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Hudkins amendment, FA1303,
- a. The following new section has been inserted:

"Sec. 24. Section 37-1253, Reissue Revised Statutes of Nebraska, is amended to read:

37-1253. (1) No person shall operate or give permission for the operation of a motorboat on the waters of this state in such a manner as to exceed a noise level of ninety-six decibels when measured at one hundred feet or more on plane using the A-weighting network of a sound level meter complying with the standards set forth in S1.4-1983 (R 2001) of the American National Standards Institute, as those standards existed on the operative date of this section.

(2) The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved as provided in sections 37-1262 and 37-1263, and for such motorboats while on trial runs, during a period not to exceed

forty-eight hours immediately preceding such regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed forty-eight hours immediately following such regatta or race.";

b. In the Erdman amendment, AM1556, on page 6, line 8, "and 27" has been struck and "24, and 28" inserted; in line 10 "24, 25, and 28" has been struck and "25, 26, and 29" inserted; and in line 21 "37-1253," has been inserted after the comma;

c. On page 19, lines 25 and 26, "and 37-496" has been struck and "37-496, and 37-1253" inserted; and

d. The remaining sections have been renumbered accordingly.

2. On page 2, line 3, "18" has been struck and "19" inserted.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 283:
AM1713

1 1. Strike original sections 2 and 3 and insert the
2 following sections:
3 "Sec. 2. Section 77-2101.03, Revised Statutes
4 Supplement, 2002, is amended to read:
5 77-2101.03. (1) For decedents dying on or after January
6 1, 2003, and before July 1, 2003, the tax on the Nebraska taxable
7 estate shall be the greater of the maximum state tax credit
8 allowance upon the tax imposed under chapter 11 of the Internal
9 Revenue Code or the amount provided in the following table: The
10 following table shall be used to determine the tax on the Nebraska
11 taxable estate:

Nebraska taxable estate					Of Excess Over
At least	But less than	Tax =	+	%	
\$ 0	\$ 40,000	\$ 0		0	\$ 0
40,000	90,000	0		.8	40,000
90,000	140,000	400		1.6	90,000
140,000	240,000	1,200		2.4	140,000
240,000	440,000	3,600		3.2	240,000
440,000	640,000	10,000		4	440,000
640,000	840,000	18,000		4.8	640,000
840,000	1,040,000	27,600		5.6	840,000
1,040,000	1,540,000	38,800		6.4	1,040,000
1,540,000	2,040,000	70,800		7.2	1,540,000
2,040,000	2,540,000	106,800		8	2,040,000
2,540,000	3,040,000	146,800		8.8	2,540,000
3,040,000	3,540,000	190,800		9.6	3,040,000
3,540,000	4,040,000	238,800		10.4	3,540,000
4,040,000	5,040,000	290,800		11.2	4,040,000
5,040,000	6,040,000	402,800		12	5,040,000

7	6,040,000	7,040,000	522,800	12.8	6,040,000
8	7,040,000	8,040,000	650,800	13.6	7,040,000
9	8,040,000	9,040,000	786,800	14.4	8,040,000
10	9,040,000	10,040,000	930,800	15.2	9,040,000
11	10,040,000		1,082,800	16	10,040,000

12 (2) For decedents dying on or after July 1, 2003, the
 13 following table shall be used to determine the tax on the Nebraska
 14 taxable estate:

15	Nebraska taxable estate				Of Excess
16					Over
17	At least	But less than	Tax = +	%	
18	\$ 0	\$ 100,000	\$ 0	41	\$ 0
19	<u>100,000</u>	<u>500,000</u>	<u>41,000</u>	<u>6.4</u>	<u>100,000</u>
20	<u>500,000</u>	<u>1,000,000</u>	<u>66,600</u>	<u>7.2</u>	<u>500,000</u>
21	<u>1,000,000</u>	<u>1,500,000</u>	<u>102,600</u>	<u>8</u>	<u>1,000,000</u>
22	<u>1,500,000</u>	<u>2,000,000</u>	<u>142,600</u>	<u>8.8</u>	<u>1,500,000</u>
23	<u>2,000,000</u>	<u>2,500,000</u>	<u>186,600</u>	<u>9.6</u>	<u>2,000,000</u>
24	<u>2,500,000</u>	<u>3,000,000</u>	<u>234,600</u>	<u>10.4</u>	<u>2,500,000</u>
25	<u>3,000,000</u>	<u>4,000,000</u>	<u>286,600</u>	<u>11.2</u>	<u>3,000,000</u>
26	<u>4,000,000</u>	<u>5,000,000</u>	<u>398,600</u>	<u>12</u>	<u>4,000,000</u>
27	<u>5,000,000</u>	<u>6,000,000</u>	<u>518,600</u>	<u>12.8</u>	<u>5,000,000</u>
1	<u>6,000,000</u>	<u>7,000,000</u>	<u>646,600</u>	<u>13.6</u>	<u>6,000,000</u>
2	<u>7,000,000</u>	<u>8,000,000</u>	<u>782,600</u>	<u>14.4</u>	<u>7,000,000</u>
3	<u>8,000,000</u>	<u>9,000,000</u>	<u>926,600</u>	<u>15.2</u>	<u>8,000,000</u>
4	<u>9,000,000</u>		<u>1,078,600</u>	<u>16</u>	<u>9,000,000</u>

5 ~~(2)~~ (3) Taxable generation-skipping transfers shall be
 6 taxed at a rate of sixteen percent of the Nebraska taxable
 7 transfer.

8 Sec. 3. Section 77-27,222, Revised Statutes Supplement,
 9 2002, is amended to read:

10 77-27,222. (1) For purposes of this section:

11 (a) Accredited means accredited by the National
 12 Association for Family Child Care, the National Association for the
 13 Education of Young Children, the National School-Age Care Alliance,
 14 or a comparable accreditation process approved by the State
 15 Department of Education;

16 (b) Business firm means any business entity, including a
 17 corporation, a fiduciary, a sole proprietorship, a partnership, a
 18 limited liability company, or a corporation subject to the state
 19 income tax imposed by section 77-2715 or 77-2734.02, an insurance
 20 company paying premium or related retaliatory taxes in this state
 21 pursuant to section 44-150 or 77-908, or a financial institution
 22 paying the tax imposed pursuant to sections 77-3801 to 77-3807;

23 (c) Costs incurred by the business firm in providing
 24 child care services for children of employees means the amounts
 25 expended by the business firm during the year for improvements to
 26 the premises for purposes of making the premises suitable in whole
 27 or in part for use as a child care facility, including furnishing
 1 the facility with fencing, landscaping, sidewalks, furniture,

2 fixtures, equipment, supplies, and other improvements and materials
3 reasonably required to operate a child care facility and the direct
4 operating costs of staffing, operating, and maintaining a child
5 care facility. The costs include the payroll taxes and employee
6 benefit costs of staffing the child care facility and sales and use
7 taxes on purchases included in the costs of providing child care,
8 but not an allocation of the business firm's general,
9 administrative, and other operating expenses. The costs do not
10 include the acquisition of land or the construction of new
11 buildings. The costs include payments to third parties to
12 reimburse the third parties for amounts expended by them and which
13 would have been costs incurred by the business firm in providing
14 child care services if incurred directly by the business firm or to
15 subsidize the cost of providing child care for the children of
16 employees in such third parties' facilities; and
17 (d) Providing child care services means expending funds
18 to improve, furnish, license, accredit, qualify for accreditation,
19 staff, operate, or subsidize a child care facility licensed by the
20 Department of Health and Human Services Regulation and Licensure
21 which provides child care services to children of employees of the
22 business firm or contracting with a child care facility licensed by
23 the department to provide child care services to children of such
24 employees.

25 (2) Any For taxable years beginning or deemed to begin on
26 or after January 1, 2007, under the Internal Revenue Code of 1986,
27 as amended, any business firm which provides child care services
1 shall be allowed a credit against the individual income tax,
2 corporate income tax, premium or related retaliatory tax, or
3 franchise tax equal to thirty percent of the costs incurred by the
4 business firm in providing child care services for children of
5 employees for each taxable year, up to fifty percent of such
6 business firm's total tax liability. In the case of a sole
7 proprietorship, partnership, or limited liability company which is
8 taxed as a pass-through entity or a corporation which has in effect
9 an election under subchapter S of the Internal Revenue Code, the
10 maximum allowable amount of credit shall be fifty percent of the
11 income tax liability determined as if such business firm had been a
12 corporation subject to the state income tax imposed by section
13 77-2734.02. Such pass-through entities shall allocate the
14 allowable credit among their proprietors, partners, members, or
15 shareholders in the same manner as taxable income is allocated. In
16 the case of a fiduciary, the maximum allowable amount of the credit
17 shall be fifty percent of the income tax liability of the fiduciary
18 computed without any deduction for distributions, and the allowable
19 credit shall be allocated among the fiduciary and its beneficiaries
20 in proportion to the taxable income included by each beneficiary in
21 his or her Nebraska income tax returns. In the case of a
22 corporation which is part of a unitary group as defined in section
23 77-2734.04 and which is included in the combined income tax return

24 of such group, the unitary group shall be the business firm which
25 is providing child care services. Entities which are disregarded
26 for federal income tax purposes shall be disregarded for purposes
27 of defining the business firm which is providing child care
1 services. The credit shall only be used to reduce the tax
2 liabilities of the business firm, or in the case of pass-through
3 entities, the beneficiaries, proprietors, partners, members, or
4 shareholders, for the year in which the costs were incurred. The
5 credit may not be carried forward to the next taxable year. The
6 credit may be taken by the business firm for not more than three
7 taxable years, except that if the child care facility is accredited
8 under section 43-2620 or becomes accredited under section 43-2620
9 during the three-taxable-year period, the credit may be taken for
10 an additional consecutive two taxable years after the end of the
11 third taxable year for which a credit was taken under this section.

12 (3) Costs incurred by the business firm in providing
13 child care services for children of employees shall be reduced by
14 payments received by the business firm from employees. If the
15 business firm provides child care services for the children of
16 employees and also for the children of non-employees, the direct
17 operating costs of staffing, operating, and maintaining the child
18 care facility, including the related payroll taxes, employee
19 benefits, and sales and use taxes, shall be multiplied by a
20 fraction, the numerator of which is the total child hours of care
21 provided to the children of employees and the denominator of which
22 is the total child hours of care provided in the child care
23 facility. Child hour means one hour of care provided for one
24 child. For purposes of calculating child hours, if the business
25 firm does not in the ordinary course of its business compile the
26 actual child hours of care, it may determine the number of child
27 hours based on a reasonable convention if such convention is used
1 consistently for each year that the credit is claimed or the
2 business firm obtains the advance consent of the Tax Commissioner
3 to change the convention. Costs shall be considered incurred in
4 the taxable year in which they are either accruable or are paid in
5 accordance with the business firm's overall income tax method of
6 accounting.

7 (4) A business firm operating a child care facility on
8 January 1, ~~2003~~ 2007, shall only qualify for the two years of tax
9 credits allowed under subsection (2) of this section relating to
10 expenditures by the business firm for direct operating costs if the
11 child care facility is accredited after January 1, ~~2003~~ 2007.

12 (5) A business firm shall not be considered to be
13 providing child care services for purposes of this section unless
14 the child care services are provided to the employees of the firm
15 who qualify under classifications established by the business firm
16 which are found by the Tax Commissioner not to be discriminatory in
17 favor of highly compensated employees. For purposes of this
18 section, highly compensated employee means an employee who was a

19 five-percent owner of the business firm at any time during the year
20 or the preceding year or, for the preceding year, either (a) had
21 compensation from the employer in excess of eighty thousand dollars
22 or (b) was among the highest twenty percent of employees ranked by
23 compensation, whichever results in the smaller group. Whether an
24 employer's classifications are nondiscriminatory shall be
25 determined on the basis of employees' eligibility to place children
26 in the child care facility.

27 (6) No amount paid or incurred by an employer to provide
1 child care assistance to an employee shall qualify for the credit
2 if the amount was paid or incurred pursuant to a salary reduction
3 plan or is not paid for services performed within this state.

4 (7) This section shall only apply to business firms that
5 meet the requirements of this section on or before December 31,
6 ~~2007~~ 2011.

7 (8) If two or more business firms share in the cost of
8 providing child care services for children of such business firms'
9 employees, each business firm shall be allowed a tax credit in
10 proportion to such business firm's share of the total costs.

11 (9) The Department of Revenue and the Department of
12 Insurance shall issue a joint report by December 1, ~~2004~~ 2008, and
13 by each December 1 thereafter for so long as the credit is
14 effective, that provides the following information:

15 (a) The number of business firms qualifying for the
16 credit under this section during taxable years ending on or before
17 the previous December 31;

18 (b) The number and location by county of child care
19 facilities qualifying for the credit under this section during the
20 taxable years ending on or before the previous December 31;

21 (c) The total child-years of child care provided, the
22 range of child-years of child care provided per qualifying
23 business, and the average and median child-years of care provided
24 per qualifying business, sorted in reasonable groupings by maximum
25 enrollment during the year that include a sufficient number of
26 qualifying businesses in each group to maintain the confidentiality
27 of the taxpayers qualifying for the credit;

1 (d) The percentage of costs paid by the employees in each
2 size grouping in subdivision (c) of this subsection;

3 (e) The percentage of such child-years of care provided
4 in accredited facilities in each size grouping in subdivision (c)
5 of this subsection; and

6 (f) The total credits claimed and the total credits
7 allowed in each size grouping in subdivision (c) of this
8 subsection.

9 (10) The Department of Revenue shall develop a form for
10 claiming the credit allowed by this section stating that any
11 business firm seeking a credit under this section must supply the
12 information listed in subsection (9) of this section as a condition
13 for receiving the credit.

14 (11) The Tax Commissioner and Director of Insurance may
15 adopt and promulgate rules and regulations as necessary to carry
16 out this section.

17 Sec. 4. Sections 2 and 6 of this act become operative on
18 January 1, 2003. The other sections of this act become operative
19 on July 1, 2003.

20 Sec. 5. Original sections 53-160, Reissue Revised
21 Statutes of Nebraska, and section 77-27,222, Revised Statutes
22 Supplement, 2002, are repealed.

23 Sec. 6. Original section 77-2101.03, Revised Statutes
24 Supplement, 2002, is repealed."

25 2. Renumber the remaining section accordingly.

Senator Brashear filed the following amendment to LB 320:
AM1720

(Amendments to Standing Committee amendments, AM0805)

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Beginning July 1, 2005:

4 (1) In the event of the death of a judge subsequent to
5 retirement, his or her surviving spouse, if any, shall be entitled
6 to receive, if the surviving spouse was born not more than five
7 years after the birth of the deceased judge, a benefit equal to
8 fifty percent of the benefit the retired judge was entitled to
9 receive. Such benefit to the surviving spouse shall be provided
10 without actuarial reduction or other assessment to the retired
11 judge in determining his or her benefits. The entire cost of such
12 a benefit shall be assumed by the Judges' Retirement Fund;

13 (2) In the event of the death of a judge subsequent to
14 retirement, his or her surviving spouse, if any, shall be entitled
15 to receive, if the surviving spouse was born more than five years
16 after the birth of the deceased judge, a benefit equal to fifty
17 percent of the benefit the retired judge was entitled to receive.
18 Such benefit to the surviving spouse shall be provided with an
19 actuarial reduction to the benefits of the retired judge based on
20 the actuarial cost of such benefit when the spouse is more than
21 five years younger than the retired judge; and

22 (3) This section shall not prevent a retiring judge from
23 contracting to provide a larger percentage of benefit for a
1 surviving spouse under other applicable statutes.

2 Sec. 2. Section 24-701.01, Revised Statutes Supplement,
3 2002, is amended to read:

4 24-701.01. Sections 24-701 to 24-714 and section 1 of
5 this act shall be known and may be cited as the Judges Retirement
6 Act.

7 Sec. 3. Section 24-703, Revised Statutes Supplement,
8 2002, is amended to read:

9 24-703. (1) Each original member shall contribute
10 monthly four percent of his or her monthly compensation to the fund

11 until the maximum benefit as limited in subsection (1) of section
12 24-710 has been earned. It shall be the duty of the Director of
13 Administrative Services in accordance with subsection (10) of this
14 section to make a deduction of four percent on the monthly payroll
15 of each original member who is a judge of the Supreme Court, a
16 judge of the Court of Appeals, a judge of the district court, a
17 judge of a separate juvenile court, a judge of the county court, a
18 clerk magistrate of the county court who was an associate county
19 judge and a member of the fund at the time of his or her
20 appointment as a clerk magistrate, or a judge of the Nebraska
21 Workers' Compensation Court showing the amount to be deducted and
22 its credit to the fund. The Director of Administrative Services
23 and the State Treasurer shall credit the four percent as shown on
24 the payroll and the amounts received from the various counties to
25 the fund and remit the same to the director in charge of the judges
26 retirement system who shall keep an accurate record of the
27 contributions of each judge.

1 (2)(a) Prior to July 1, 2003, each ~~Each~~ future member
2 shall contribute monthly six percent of his or her monthly
3 compensation to the fund until the maximum benefit as limited in
4 subsection (2) of section 24-710 has been earned. Prior to July 1,
5 2003, any ~~Any~~ time the maximum benefit is changed, a future member
6 who has previously earned the maximum benefit as it existed prior
7 to the change shall contribute monthly six percent of his or her
8 monthly compensation to the fund until the maximum benefit as
9 changed and as limited in subsection (2) of section 24-710 has been
10 earned.

11 (b) Beginning July 1, 2003, each future member shall
12 contribute monthly eight percent of his or her monthly compensation
13 to the fund until the maximum benefit as limited in subsection (2)
14 of section 24-710 has been earned. Beginning July 1, 2003, after
15 the maximum benefit as limited in subsection (2) of section 24-710
16 has been earned, a future member shall contribute monthly four
17 percent of his or her contribution to the fund.

18 (c) It shall be the duty of the Director of
19 Administrative Services to make a deduction of six percent on the
20 monthly payroll of each such future member who is a judge of the
21 Supreme Court, a judge of the Court of Appeals, a judge of the
22 district court, a judge of a separate juvenile court, a judge of
23 the county court, a clerk magistrate of the county court who was an
24 associate county judge and a member of the fund at the time of his
25 or her appointment as a clerk magistrate, or a judge of the
26 Nebraska Workers' Compensation Court showing the amount to be
27 deducted and its credit to the fund. This shall be done each
1 month. The Director of Administrative Services and the State
2 Treasurer shall credit the ~~six percent amount~~ as shown on the
3 payroll and the amounts received from the various counties to the
4 fund and remit the same to the director in charge of the judges
5 retirement system who shall keep an accurate record of the

6 contributions of each judge.

7 (3) A Nebraska Retirement Fund for Judges fee of ~~one~~
8 ~~dollar five dollars~~ shall be taxed as costs in each civil cause of
9 action, criminal cause of action, traffic misdemeanor or
10 infraction, and city or village ordinance violation filed in the
11 district courts and the county courts. In county courts a sum
12 shall be charged which is equal to ten percent of each fee provided
13 by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges
14 retirement fee shall be charged for filing a report pursuant to
15 sections 33-126.02 and 33-126.06. When collected by the clerk of
16 the district or county court, such fees shall be paid to the
17 director in charge of the judges retirement system on forms
18 prescribed by the board by the clerk within ten days after the
19 close of each calendar quarter. Such director shall promptly
20 thereafter remit the same to the State Treasurer for credit to the
21 fund. No Nebraska Retirement Fund for Judges fee which is
22 uncollectible for any reason shall be waived by a county judge as
23 provided in section 29-2709.

24 (4) All expenditures from the fund shall be authorized by
25 voucher in the manner prescribed in section 24-713. The fund shall
26 be used for the payment of all annuities and other benefits and for
27 the expenses of administration.

1 (5) The fund shall consist of the total fund as of
2 December 25, 1969, the contributions of members as provided in this
3 section, all supplementary court fees as provided in subsection (3)
4 of this section, and any required contributions of the state.

5 (6) Not later than January 1 of each year, the State
6 Treasurer shall transfer to the fund the amount certified by the
7 board as being necessary to pay the cost of any benefits accrued
8 during the fiscal year ending the previous June 30 in excess of
9 member contributions for that fiscal year and court fees as
10 provided in subsection (3) of this section, if any, for that fiscal
11 year plus any required contributions of the state as provided in
12 subsection (9) of this section.

13 (7) Benefits under the retirement system to members or to
14 their beneficiaries shall be paid from the fund.

15 (8) Any member who is making contributions to the fund on
16 December 25, 1969, may, on or before June 30, 1970, elect to become
17 a future member by delivering written notice of such election to
18 the board.

19 (9) Not later than January 1 of each year, the State
20 Treasurer shall transfer to the fund an amount, determined on the
21 basis of an actuarial valuation as of the previous June 30 and
22 certified by the board, to fully fund the unfunded accrued
23 liabilities of the retirement system as of June 30, 1988, by level
24 payments up to January 1, 2000. Such valuation shall be on the
25 basis of actuarial assumptions recommended by the actuary, approved
26 by the board, and kept on file with the board. For the fiscal year
27 beginning July 1, 2002, and each fiscal year thereafter, the

1 actuary for the board shall perform an actuarial valuation of the
2 system using the entry age actuarial cost method. Under this
3 method, the actuarially required funding rate is equal to the
4 normal cost rate, plus the contribution rate necessary to amortize
5 the unfunded actuarial accrued liability on a level payment basis.
6 The normal cost under this method shall be determined for each
7 individual member on a level percentage of salary basis. The
8 normal cost amount is then summed for all members. The initial
9 unfunded actual accrued liability as of July 1, 2002, if any, shall
10 be amortized over a twenty-five-year period. During each
11 subsequent actuarial valuation, changes in the funded actuarial
12 accrued liability due to changes in benefits, actuarial
13 assumptions, the asset valuation method, or actuarial gains or
14 losses shall be measured and amortized over a twenty-five-year
15 period beginning on the valuation date of such change. If the
16 unfunded actuarial accrued liability under the entry age actuarial
17 cost method is zero or less than zero on an actuarial valuation
18 date, then all prior unfunded actuarial accrued liabilities shall
19 be considered fully funded and the unfunded actuarial accrued
20 liability shall be reinitialized and amortized over a
21 twenty-five-year period as of the actuarial valuation date. If the
22 actuarially required contribution rate exceeds the rate of all
23 contributions required pursuant to the Judges Retirement Act, there
24 shall be a supplemental appropriation sufficient to pay for the
25 differences between the actuarially required contribution rate and
26 the rate of all contributions required pursuant to the Judges
27 Retirement Act.

1 (10) The state or county shall pick up the member
2 contributions required by this section for all compensation paid on
3 or after January 1, 1985, and the contributions so picked up shall
4 be treated as employer contributions in determining federal tax
5 treatment under the Internal Revenue Code as defined in section
6 49-801.01, except that the state or county shall continue to
7 withhold federal income taxes based upon these contributions until
8 the Internal Revenue Service or the federal courts rule that,
9 pursuant to section 414(h) of the code, these contributions shall
10 not be included as gross income of the member until such time as
11 they are distributed or made available. The state or county shall
12 pay these member contributions from the same source of funds which
13 is used in paying earnings to the member. The state or county
14 shall pick up these contributions by a compensation deduction
15 through a reduction in the compensation of the member. Member
16 contributions picked up shall be treated for all purposes of the
17 Judges Retirement Act in the same manner and to the extent as
18 member contributions made prior to the date picked up.

19 Sec. 4. Section 24-708, Revised Statutes Supplement,
20 2002, is amended to read:

21 24-708. (1) Any judge may retire upon reaching the age
22 of sixty-five years and upon making application to the board. Upon

23 retiring each such judge shall receive retirement annuities as
24 provided in section 24-710.

25 (2) A judge may retire upon reaching the age of sixty-two
26 years and receive the retirement annuity provided by section 24-710
27 but shall be subject to a reduction of such annuity by three
1 percent for each year after the judge's sixty-second birthday that
2 is between his or her retirement and his or her sixty-fifth
3 birthday.

4 (3) A judge may retire upon the attainment of reaching
5 the age of fifty-five years and elect to receive a reduced monthly
6 retirement income in lieu of a deferred vested annuity. The judge
7 may request that the reduced monthly retirement income commence at
8 any date, beginning on the first day of the month following the
9 actual retirement date and ending on the normal retirement date.
10 The amount of the monthly retirement income shall be calculated
11 based on the length of creditable service and average compensation
12 at the actual retirement date and shall be reduced when the
13 payments commence prior to the normal retirement date to an amount
14 that is actuarially equivalent to the deferred vested annuity
15 payable at the normal retirement date.

16 (3) (4) Payment of any benefit provided under the Judges
17 Retirement Act may not be deferred later than the sixtieth day
18 after the end of the year in which the judge has both attained at
19 least age seventy and one-half years and terminated his or her
20 employment as a judge.

21 (4) (5) The effective date of retirement payments shall
22 be the first day of the month following (a) the date a member
23 qualifies for retirement as provided in this section or (b) the
24 date upon which a member's request for retirement is received on an
25 application form provided by the retirement system, whichever is
26 later. An application may be filed no more than ninety days in
27 advance of qualifying for retirement.

1 Sec. 5. Section 24-710, Revised Statutes Supplement,
2 2002, is amended to read:

3 24-710. (1) The retirement annuity of a judge who is an
4 original member, who has not made the election provided for in
5 subsection (8) of section 24-703 or section 24-710.01, and who
6 retires under section 24-708 or 24-709 shall be computed as
7 follows: Each such judge shall be entitled to receive an annuity,
8 each monthly payment of which shall be in an amount equal to three
9 and one-third percent of his or her final average compensation as
10 such judge, multiplied by the number of his or her years of
11 creditable service. The amount stated in this section shall be
12 supplemental to any benefits received by such judge under the
13 Nebraska and federal old age and survivors' insurance acts at the
14 date of retirement, but the monthly combined benefits received
15 thereunder and by the Judges Retirement Act shall not exceed
16 sixty-five percent of the final average compensation such judge was
17 receiving when he or she last served as such judge. The amount of

18 retirement annuity of a judge who retires under section 24-708 or
19 24-709 shall not be less than twenty-five dollars per month if he
20 or she has four years or more of service credit.

21 (2) The retirement annuity of a judge who is a future
22 member and who retires after July 1, 1986, under section 24-708 or
23 24-709 shall be computed as follows: Each such judge shall be
24 entitled to receive an annuity, each monthly payment of which shall
25 be in an amount equal to three and one-half percent of his or her
26 final average compensation as such judge, multiplied by the number
27 of his or her years of creditable service, except that the monthly
1 benefits received under this subsection shall not exceed seventy
2 percent of the final average compensation such judge was receiving
3 when he or she last served as such judge.

4 (3) Except as provided in section 42-1107, any member
5 may, when filing an application as provided by the retirement
6 system, elect to receive, in lieu of the normal form annuity
7 benefits to which the member or his or her beneficiary may
8 otherwise be entitled under the Judges Retirement Act, any form of
9 annuity which the board may by rules and regulations provide, the
10 value of which, determined by accepted actuarial methods and on the
11 basis of actuarial assumptions recommended by the actuary, approved
12 by the board, and kept on file in the office of the director, is
13 equal to the value of the benefit replaced. The board shall (a)
14 adopt and promulgate appropriate rules and regulations establishing
15 joint and survivorship annuities, with and without reduction on the
16 death of the first annuitant, ~~and~~ such other forms of annuities as
17 may in its judgment be appropriate, and as provided in section
18 24-707, (b) prescribe appropriate forms for making the election by
19 the members, and (c) provide for the necessary actuarial services
20 to make the required valuations.

21 (4) A one-time cost-of-living adjustment shall be made
22 for each retired judge and each surviving beneficiary who is
23 receiving a retirement annuity as provided for in this section.
24 The annuity shall be adjusted by the increase in the cost of living
25 or wage levels between the effective date of retirement and June
26 30, 1992, except that such increases shall not exceed three percent
27 per year of retirement and the total increase shall not exceed two
1 hundred fifty dollars per month.

2 Sec. 6. Original sections 24-701.01, 24-703, 24-708, and
3 24-710, Revised Statutes Supplement, 2002, are repealed.

4 Sec. 7. Since an emergency exists, this act takes effect
5 when passed and approved according to law."

Senators Tyson and Cunningham filed the following amendment to LB 73:
AM1706

(Amendments to Standing Committee amendments, AM0304)

1 1. Insert the following new sections:

2 "Sec. 10. (1) All insurers delivering, issuing for

3 delivery, or renewing in this state a health benefit plan which

- 4 provides coverage for prescription drugs and devices and that
5 issues, uses, or requires a card or other technology for
6 prescription claims submission, or the insurer's agents or
7 contractors that issue such cards or other technology, shall issue
8 to each insured a prescription drug information card or other
9 technology that:
- 10 (a) Conforms to the standards and format of the National
11 Council for Prescription Drug Programs Pharmacy ID Card
12 Implementation Guide by including all of the standard information
13 adopted by the implementation guide and required by the health
14 benefit plan for submission and adjudication of claims for
15 prescription drugs or devices; or
- 16 (b) Contains at a minimum the following appropriately
17 labeled information:
- 18 (i) The card issuer name or logo on the front of the
19 card;
- 20 (ii) The cardholder's name and identification number on
21 the front of the card;
- 22 (iii) Complete information for electronic transaction
23 claims routing, including:
- 24 (A) The international identification number labeled as
25 RxBIN;
- 26 (B) The processor control number labeled as RxPCN, if
27 required for proper routing of electronic claim transactions for
28 prescription benefits; and
- 29 (C) The group number labeled as RxGrp, if required for
30 proper routing of electronic claim transactions for prescription
31 benefits;
- 32 (iv) The name and address of the health benefit plan
33 benefits administrator or the entity responsible for prescription
34 benefits claims submission, adjudication, or pharmacy provider
35 correspondence for prescription benefits claims; and
- 36 (v) A help desk telephone number that pharmacy providers
37 may call for prescription benefits claims assistance.
- 38 (2) All information required by subsection (1) of this
39 section that is necessary for submission and adjudication of claims
40 for prescription drug or device benefits, exclusive of information
41 that can be derived from the prescription, shall be included in a
42 clear, readable, and understandable manner on the card or other
43 technology issued by the insurer or its agents or contractors. The
44 content and format of all information required by such subsection
45 shall be in the content and format required by the health benefit
46 plan for electronic claims routing, submission, and adjudication.
- 47 (3) A prescription drug information card or technology
48 required under subsection (1) of this section shall be issued by an
49 insurer upon enrollment in a health benefit plan and reissued
50 within a reasonable time upon any change in the insured's coverage
51 that impacts data contained on the card or technology, except that
52 the insurer or its agents or contractors shall not be required to

3 issue a new prescription drug information card more than once in a
4 calendar year and nothing in this section prevents the insurer or
5 its agents or contractors from issuing stickers or other
6 methodologies to the insureds to update the cards or other
7 technology temporarily until the cards or other technology are
8 reissued or from reissuing updated new cards or other technology on
9 a more frequent basis. Cards or technology shall be updated with
10 the latest coverage information and shall comply with the format as
11 approved in subsection (1) of this section.

12 (4) The card or other technology may be used for any and
13 all health insurance coverage. Nothing in this section requires
14 any person issuing, using, or requiring the card or other
15 technology to issue, use, or require a separate card for
16 prescription coverage if the card or other technology can
17 accommodate the information necessary to process the claim as
18 required by subsection (1) of this section.

19 (5) For purposes of this section, health benefit plan
20 means any individual or group sickness and accident insurance
21 policy or subscriber contract, nonprofit hospital or medical
22 service policy or plan contract, or health maintenance organization
23 contract and any self-funded employee benefit plan to the extent
24 not preempted by federal law or exempted by state law. Health
25 benefit plan does not mean one or more, or any combination, of the
26 following:

27 (a) Coverage only for accident or disability income
1 insurance, or any combination thereof;

2 (b) Credit-only insurance;

3 (c) Coverage for specified disease or illness;

4 (d) Limited-scope dental or vision benefits;

5 (e) Coverage issued as a supplement to liability
6 insurance;

7 (f) Automobile medical payment insurance or homeowners
8 medical payment insurance;

9 (g) Insurance under which benefits are payable with or
10 without regard to fault and which is statutorily required to be
11 contained in any liability policy or equivalent self-insurance
12 coverage; or

13 (h) Hospital indemnity or other fixed indemnity
14 insurance.

15 (6) This section shall apply to all health benefit plans
16 delivered or issued for delivery on or after January 1, 2004, and
17 to all health benefit plans renewed on or after January 1, 2005.

18 (7) The Department of Insurance shall enforce this
19 section. The department may adopt and promulgate rules and
20 regulations to carry out the purposes of this section.

21 Sec. 11. Section 44-1525, Revised Statutes Supplement,
22 2002, is amended to read:

23 44-1525. Any of the following acts or practices, if
24 committed in violation of section 44-1524, shall be unfair trade

25 practices in the business of insurance:

- 26 (1) Making, issuing, circulating, or causing to be made,
27 issued, or circulated any estimate, illustration, circular,
1 statement, sales presentation, omission, or comparison which:
2 (a) Misrepresents the benefits, advantages, conditions,
3 or terms of any policy;
4 (b) Misrepresents the dividends or share of the surplus
5 to be received on any policy;
6 (c) Makes any false or misleading statements as to the
7 dividends or share of surplus previously paid on any policy;
8 (d) Misleads as to or misrepresents the financial
9 condition of any insurer or the legal reserve system upon which any
10 life insurer operates;
11 (e) Uses any name or title of any policy or class of
12 policies which misrepresents the true nature thereof;
13 (f) Misrepresents for the purpose of inducing or tending
14 to induce the purchase, lapse, forfeiture, exchange, conversion, or
15 surrender of any policy, including intentionally misquoting any
16 premium rate;
17 (g) Misrepresents for the purpose of effecting a pledge
18 or assignment of or effecting a loan against any policy; or
19 (h) Misrepresents any policy as being shares of stock;
20 (2) Making, publishing, disseminating, circulating, or
21 placing before the public, or causing, directly or indirectly, to
22 be made, published, disseminated, circulated, or placed before the
23 public, in a newspaper, magazine, or other publication, or in the
24 form of a notice, circular, pamphlet, letter, or poster, or over
25 any radio or television station, or in any other way, an
26 advertisement, announcement, or statement containing any assertion,
27 representation, or statement with respect to the business of
1 insurance or with respect to any insurer in the conduct of his or
2 her insurance business which is untrue, deceptive, or misleading;
3 (3) Making, publishing, disseminating, or circulating,
4 directly or indirectly, or aiding, abetting, or encouraging the
5 making, publishing, disseminating, or circulating of any oral or
6 written statement or any pamphlet, circular, article, or literature
7 which is false or maliciously critical of or derogatory to the
8 financial condition of any insurer and which is calculated to
9 injure such insurer;
10 (4) Entering into any agreement to commit or by any
11 concerted action committing any act of boycott, coercion, or
12 intimidation resulting in or tending to result in unreasonable
13 restraint of or monopoly in the business of insurance;
14 (5)(a) Knowingly filing with any supervisory or other
15 public official, or knowingly making, publishing, disseminating,
16 circulating, or delivering to any person, or placing before the
17 public, or knowingly causing, directly or indirectly, to be made,
18 published, disseminated, circulated, delivered to any person, or
19 placed before the public, any false material statement of fact as

20 to the financial condition of an insurer; or

21 (b) Knowingly making any false entry of a material fact
22 in any book, report, or statement of any insurer or knowingly
23 omitting to make a true entry of any material fact pertaining to
24 the business of such insurer in any book, report, or statement of
25 such insurer;

26 (6) Issuing or delivering or permitting agents, officers,
27 or employees to issue or deliver agency company stock or other
1 capital stock, or benefit certificates or shares in any common-law
2 corporation, or securities or any special or advisory board
3 contracts or other contracts of any kind promising returns and
4 profits as an inducement to insurance;

5 (7)(a) Making or permitting any unfair discrimination
6 between individuals of the same class and equal expectation of life
7 in the rates charged for any life insurance policy or annuity or in
8 the dividends or other benefits payable thereon or in any other of
9 the terms and conditions of such policy or annuity;

10 (b) Making or permitting any unfair discrimination
11 between individuals of the same class involving essentially the
12 same hazards in the amount of premium, policy fees, or rates
13 charged for any sickness and accident insurance policy or in the
14 benefits payable thereunder, in any of the terms or conditions of
15 such policy, or in any other manner, except that this subdivision
16 shall not limit the negotiation of preferred provider policies and
17 contracts under sections 44-4101 to 44-4113;

18 (c) Making or permitting any unfair discrimination
19 between individuals or risks of the same class and of essentially
20 the same hazards by refusing to issue, refusing to renew,
21 canceling, or limiting the amount of insurance coverage on a
22 property or casualty risk because of the geographic location of the
23 risk unless:

24 (i) The refusal, cancellation, or limitation is for a
25 business purpose which is not a pretext for unfair discrimination;
26 or

27 (ii) The refusal, cancellation, or limitation is required
1 by law, rule, or regulation;

2 (d) 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 residential property risk, or the personal property contained
7 therein, because of the age of the residential property 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 (e) Refusing to insure, refusing to continue to insure,
14 or limiting the amount of coverage available to an individual

15 solely because of the sex or marital status of the individual.

16 This subdivision shall not prohibit an insurer from taking marital
17 status into account for the purpose of defining individuals
18 eligible for dependent benefits; or

19 (f) Terminating or modifying coverage or refusing to
20 issue or refusing to renew any property or casualty insurance
21 policy solely because the applicant or insured or any employee of
22 the applicant or insured is mentally or physically impaired unless:

23 (i) The termination, modification, or refusal is for a
24 business purpose which is not a pretext for unfair discrimination;
25 or

26 (ii) The termination, modification, or refusal is
27 required by law, rule, or regulation.

1 This subdivision (f) shall not apply to any sickness and
2 accident insurance policy sold by a casualty insurer and shall not
3 be interpreted to modify any other provision of law relating to the
4 termination, modification, issuance, or renewal of any policy;

5 (8)(a) Except as otherwise expressly provided by law:

6 (i) Knowingly permitting or offering to make or making
7 any life insurance policy, annuity, or sickness and accident
8 insurance policy, or agreement as to any such policy or annuity,
9 other than as plainly expressed in the policy or annuity issued
10 thereon, or paying, allowing, or giving, or offering to pay, allow,
11 or give, directly or indirectly, as inducement to such policy or
12 annuity, any rebate of premiums payable on the policy or annuity,
13 or any special favor or advantage in the dividends or other
14 benefits thereon, or any valuable consideration or inducement
15 whatever not specified in the policy or annuity; or

16 (ii) Giving, selling, purchasing, or offering to give,
17 sell, or purchase as inducement to such policy or annuity or in
18 connection therewith any stocks, bonds, or other securities of any
19 insurer or other corporation, association, partnership, or limited
20 liability company, or any dividends or profits accrued thereon, or
21 anything of value not specified in the policy or annuity.

22 (b) Nothing in subdivision (7) or (8)(a) of this section
23 shall be construed as including within the definition of
24 discrimination or rebates any of the following acts or practices:

25 (i) In the case of any life insurance policy or annuity,
26 paying bonuses to policyholders or otherwise abating their premiums
27 in whole or in part out of surplus accumulated from

1 nonparticipating insurance if such bonuses or abatement of premiums
2 are fair and equitable to policyholders and for the best interests
3 of the insurer and its policyholders;

4 (ii) In the case of life insurance policies issued on the
5 industrial debit plan, making allowance to policyholders who have
6 continuously for a specified period made premium payments directly
7 to an office of the insurer in an amount which fairly represents
8 the saving in collection expenses; or

9 (iii) Readjustment of the rate of premium for a group

10 insurance policy based on the loss or expense thereunder, at the
11 end of the first or any subsequent policy year of insurance
12 thereunder, which may be made retroactive only for such policy
13 year;
14 (9) Failing of any insurer to maintain a complete record
15 of all the complaints received since the date of its last
16 examination conducted pursuant to the Insurers Examination Act.
17 This record shall indicate the total number of complaints, their
18 classification by line of insurance, the nature of each complaint,
19 the disposition of each complaint, and the time it took to process
20 each complaint. For purposes of this subdivision, complaint shall
21 mean any written communication primarily expressing a grievance;
22 (10) Making false or fraudulent statements or
23 representations on or relative to an application for a policy for
24 the purpose of obtaining a fee, commission, money, or other benefit
25 from any insurer, agent, broker, or individual person;
26 (11) Failing of any insurer, upon receipt of a written
27 inquiry from the department, to respond to such inquiry or request
1 additional reasonable time to respond within fifteen working days;
2 (12) Accepting applications for or writing any policy of
3 insurance sold, negotiated, or solicited by an insurance producer
4 or business entity not licensed or appointed as required by the
5 Insurance Producers Licensing Act; and
6 (13) Violating any provision of section 44-320, 44-348,
7 44-360, 44-361, 44-369, 44-393, 44-515 to 44-518, 44-522, 44-523,
8 44-2132 to 44-2134, 44-3606, 44-4809, 44-4812, 44-4817, or 44-5266
9 or section 10 of this act, the Privacy of Insurance Consumer
10 Information Act, or the Unfair Discrimination Against Subjects of
11 Abuse in Insurance Act.
12 Sec. 12. Original section 44-1525, Revised Statutes
13 Supplement, 2002, is repealed."
14 2. Insert underscoring in sections 1 to 9.

Senator Beutler filed the following amendment to LB 602:
AM1726

(Amendments to Standing Committee amendments, AM0971)

1 1. On page 1, line 17, after the semicolon insert "and";
2 and strike lines 18 through 24 and insert:
3 "(3) Human cloning means performing human asexual
4 reproduction to create a human being from an existing or
5 pre-existing human being. Human cloning shall be presumed if the
6 somatic cell nucleus is transplanted into a human oocyte that has
7 undergone or will undergo fertilization or if an unfertilized
8 blastocyst is maintained after more than fourteen days from its
9 first cell division, not including any time during which it is
10 stored at a temperature of zero degrees centigrade or lower.".
11 2. On page 2, strike lines 1 through 3.

VISITORS

Visitors to the Chamber were 55 fourth-grade students and teachers from Ezra Millard School, Omaha.

ADJOURNMENT

At 6:01 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, May 6, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 6, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 6, 2003

PRAYER

The prayer was offered by Pastor Michael Clement, Bible Baptist Church, Scottsbluff, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senator Quandahl who was excused; and Senators Loudon, McDonald, Dw. Pedersen, Schimek, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

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 282 with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 282.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324, 77-3,117, 77-2702.04 to 77-2702.06, 77-2702.08, 77-2702.10, 77-2702.18 to 77-2702.26, 77-2704.10, 77-2704.13, 77-2704.14, 77-2704.24, 77-2708.01, 77-2713, 77-27,119.03, 77-27,142, and 77-27,143, Reissue Revised Statutes of Nebraska, and sections 9-306.01, 13-319, 13-326, 77-2701, 77-2702.03, 77-2702.07, 77-2702.09, 77-2702.11, 77-2702.14 to 77-2702.16, 77-2703, 77-2704.09, 77-2704.26, 77-2705,

77-2708, 77-2711, 77-2712.02 to 77-2712.05, 77-27,147, and 77-27,223, Revised Statutes Supplement, 2002; to provide, change, and eliminate sales and use tax provisions to carry out the streamlined sales tax system; to eliminate the Uniform Sales and Use Tax Administration Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-2702.12, Reissue Revised Statutes of Nebraska, and sections 77-2702.13, 77-2702.17, 77-2706.02, 77-2712, 77-2712.01, and 77-2712.08, Revised Statutes Supplement, 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, 37:

Aguilar	Connealy	Johnson	Pederson, D.	Stuthman
Baker	Cudaback	Jones	Preister	Thompson
Beutler	Cunningham	Kruse	Price	Tyson
Bourne	Engel	Landis	Raikes	Vrtiska
Bromm	Hartnett	Maxwell	Redfield	Wehrbein
Burling	Hudkins	McDonald	Schimek	
Byars	Janssen	Mines	Schrock	
Combs	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 3:

Chambers	Erdman	Smith

Present and not voting, 6:

Brashear	Foley	Kremer
Brown	Friend	Mossey

Excused and not voting, 3:

Louden	Quandahl	Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 80 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 80.

GENERAL FILE

LEGISLATIVE BILL 283. Title read. Considered.

The Standing Committee amendment, AM0702, found on page 755, was considered.

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

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 282.

GENERAL FILE

LEGISLATIVE BILL 283. The Standing Committee amendment, AM0702, found on page 755 and considered in this day's Journal, was renewed.

Senator Burling 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 Landis moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 24:

Baker	Byars	Hartnett	Mossey	Schrock
Beutler	Combs	Hudkins	Pederson, D.	Stuhr
Brashear	Connealy	Janssen	Raikes	Stuthman
Bromm	Engel	Landis	Redfield	Wehrbein
Brown	Friend	Louden	Schimek	

Voting in the negative, 19:

Aguilar	Cunningham	Kremer	Pedersen, Dw.	Thompson
Burling	Erdman	Kruse	Price	Tyson
Chambers	Foley	McDonald	Smith	Vrtiska
Cudaback	Jones	Mines	Synowiecki	

Present and not voting, 4:

Jensen Johnson Maxwell Preister

Excused and not voting, 2:

Bourne Quandahl

The Standing Committee amendment lost with 24 ayes, 19 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 6, 2003, at 9:35 a.m. was the following:
LB 282.

(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 759A. 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 759, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE BILL 283. Senator Landis withdrew his pending amendment, AM1713, found on page 1611.

Senator Jensen offered the following amendment:

AM1737

- 1 1. Strike sections 1 and 3 and insert the following
- 2 sections:
- 3 "Section 1. (1) The Substance Abuse Treatment Fund is
- 4 created. The fund shall consist of money allocated to the fund
- 5 pursuant to sections 53-160 and 53-162, any money appropriated by
- 6 the Legislature, and any gifts, bequests, or other contributions
- 7 provided to the fund from any public or private entities.
- 8 (2) Any money in the Substance Abuse Treatment Fund
- 9 available for investment shall be invested by the state investment

10 officer pursuant to the Nebraska Capital Expansion Act and the
11 Nebraska State Funds Investment Act.
12 Sec. 2. It is the intent of the Legislature that the
13 Substance Abuse Treatment Fund be distributed by the State
14 Treasurer as follows on an annual basis: To the Probation Program
15 Cash Fund, one million five hundred thousand dollars;
16 (2) To the Parole Program Cash Fund, seven hundred fifty
17 thousand dollars;
18 (3) To the Nebraska Commission on Law Enforcement and
19 Criminal Justice, eight hundred fifty thousand dollars to establish
20 new and fund existing adult drug courts and one hundred
21 seventy-five thousand dollars to develop and operate a statewide
22 substance abuse treatment tracking system;
23 (4) To the Office of Juvenile Services, five hundred
24 thousand dollars to establish or expand substance abuse and mental
1 health treatment programs in facilities operated by the office;
2 (5) To the Office of Probation Administration, two
3 hundred fifty thousand dollars to establish new or fund existing
4 juvenile drug courts;
5 (6) To the Commission Grant Program established under the
6 Juvenile Services Act, two hundred fifty thousand dollars;
7 (7) To the Division of Alcoholism, Drug Abuse, and
8 Addiction Services of the Department of Health and Human Services,
9 two million five hundred thousand dollars to support substance
10 abuse treatment services and programs and to recruit and train
11 certified alcohol and drug addiction counselors as follows:
12 (a) The division shall increase the availability of the
13 number of short-term treatment beds in all mental health regions as
14 defined in section 71-5002. It is the intent of the Legislature
15 that the division utilize on an annual basis one million seven
16 hundred fifty thousand dollars to carry out this subdivision;
17 (b) The division shall supplement the funding of services
18 provided on a regional basis under the Nebraska Comprehensive
19 Community Mental Health Services Act. It is the intent of the
20 Legislature that the division utilize on an annual basis two
21 hundred fifty thousand dollars to provide services pursuant to this
22 subdivision; and
23 (c) The division shall provide for the recruitment of
24 persons to become certified alcohol and substance abuse counselors
25 and provide for services and programs to train alcohol and
26 substance abuse counselors. Recruitment and training assistance
1 may include individual scholarships, funding for providers of
2 recruitment and training services and programs, or continuing
3 competency assistance. The division may contract with other public
4 or private agencies to provide such services and programs. The
5 division shall make reasonable efforts to recruit and train persons
6 representing racial and ethnic minority groups and bilingual
7 persons to ensure that culturally sensitive professionals will be
8 available to a diverse population. It is the intent of the

8 Legislature that the division utilize on an annual basis five
9 hundred thousand dollars to provide recruitment and training
10 services and programs pursuant to this subdivision.

11 The department may adopt and promulgate rules and
12 regulations as necessary to implement subdivision (7) of this
13 section; and

14 (8) To the Department of Health and Human Services, seven
15 hundred fifty thousand dollars for minority and public health
16 services, including substance abuse treatment and prevention
17 services and programs that specifically target high-risk
18 populations throughout the state.

19 Sec. 3. 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-one
24 cents per gallon on all beer; ~~seventy-five~~ one dollar and
25 thirty-five cents per gallon for wine containing not more than
26 fourteen percent but not less than five-tenths of one percent of
27 alcohol by volume and ~~one dollar and thirty-five~~ two dollars and
1 forty-five cents per gallon for wines and other dilute alcoholic
2 beverages containing more than fourteen percent of alcohol by
3 volume, except for wines produced in farm wineries; ~~five~~ seven
4 cents per gallon for wine produced in farm wineries; and ~~three~~
5 dollars five dollars and fifty cents per gallon on alcohol and
6 spirits manufactured and sold by such manufacturer or shipped for
7 sale in this state by such wholesaler in the course of such
8 business. The gallonage tax imposed by this subsection shall be
9 imposed only on alcoholic liquor upon which a federal excise tax is
10 imposed.

11 (2) Manufacturers or wholesalers of alcoholic liquor
12 shall be exempt from the payment of the gallonage tax on such
13 alcoholic liquor upon satisfactory proof, including bills of lading
14 furnished to the commission by affidavit or otherwise as the
15 commission may require, that such alcoholic liquor was manufactured
16 in this state but shipped out of the state for sale and consumption
17 outside this state.

18 (3) Dry wines or fortified wines manufactured or shipped
19 into this state solely and exclusively for sacramental purposes and
20 uses shall not be subject to the gallonage tax.

21 (4) The gallonage tax shall not be imposed upon any
22 alcoholic liquor, whether manufactured in or shipped into this
23 state, when sold to a licensed nonbeverage user for use in the
24 manufacture of any of the following when such products are unfit
25 for beverage purposes: Patent and proprietary medicines and
26 medicinal, antiseptic, and toilet preparations; flavoring extracts,
27 syrups, food products, and confections or candy; scientific,
1 industrial, and chemical products, except denatured alcohol; or
2 products for scientific, chemical, experimental, or mechanical

3 purposes.

4 (5) The gallonage tax shall not be imposed upon the
5 privilege of engaging in any business in interstate commerce or
6 otherwise, which business may not, under the Constitution and
7 statutes of the United States, be made the subject of taxation by
8 this state.

9 (6) The gallonage tax shall be in addition to all other
10 occupation or privilege taxes imposed by this state or by any
11 municipal corporation or political subdivision thereof.

12 (7) The commission shall collect the gallonage tax and
13 shall account for and remit to the State Treasurer at least once
14 each week all money collected pursuant to this section. If any
15 alcoholic liquor manufactured in or shipped into this state is sold
16 to a licensed manufacturer or wholesaler of this state to be used
17 solely as an ingredient in the manufacture of any beverage for
18 human consumption, the tax imposed upon such manufacturer or
19 wholesaler shall be reduced by the amount of the taxes which have
20 been paid as to such alcoholic liquor so used under the Nebraska
21 Liquor Control Act.

22 (8) The State Treasurer shall credit the ~~The~~ net proceeds
23 of all revenue arising under this section ~~shall be credited~~ to the
24 General Fund and the Substance Abuse Treatment Fund as follows:
25 (a) Beer -- twenty-nine cents per gallon to the General
26 Fund and twelve cents per gallon to the Substance Abuse Treatment
27 Fund;

1 (b) Wine produced at farm wineries -- six cents per
2 gallon to the General Fund and one cent per gallon to the Substance
3 Abuse Treatment Fund;

4 (c) Other wine containing not more than fourteen percent
5 but not less than five-tenths of one percent of alcohol by volume
6 -- ninety-five cents per gallon to the General Fund and forty cents
7 per gallon to the Substance Abuse Treatment Fund;

8 (d) Other wine and dilute alcoholic beverages containing
9 more than fourteen percent of alcohol by volume -- ninety-five
10 cents per gallon to the General Fund and one dollar and fifty cents
11 per gallon to the Substance Abuse Treatment Fund; and

12 (e) Alcohol and spirits manufactured and sold by such
13 manufacturer or shipped for sale in this state by a wholesaler --
14 three dollars and seventy-five cents per gallon to the General Fund
15 and one dollar and seventy-five cents per gallon to the Substance
16 Abuse Treatment Fund.

17 Sec. 4. Section 53-162, Revised Statutes Supplement,
18 2002, is amended to read:

19 53-162. For the purpose of raising revenue, a tax is
20 imposed upon persons holding a shipping license issued pursuant to
21 subsection (4) of section 53-123.15 who ship alcoholic liquor to
22 individuals pursuant to section 53-192 and for which the required
23 taxes in the state of purchase or this state have not been paid.

24 The tax, if due, shall be paid by the holder of the shipping

25 license issued pursuant to subsection (4) of section 53-123.15.
 26 The amount of the tax shall be imposed as provided in section
 27 53-160. The tax shall be collected by the commission, except that
 1 the tax shall not be due until December 31 of the year in which the
 2 purchase was made. The tax shall be delinquent if unpaid within
 3 twenty-five days after December 31. The revenue from the tax shall
 4 be credited ~~to the General Fund~~ as provided in section 53-160. The
 5 commission shall adopt and promulgate rules and regulations to
 6 carry out this section.
 7 Sec. 6. Original section 53-160, Reissue Revised
 8 Statutes of Nebraska, and section 53-162, Revised Statutes
 9 Supplement, 2002, are repealed."

SENATOR CUDABACK PRESIDING

Senators Brashear, Byars, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bromm 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 Jensen moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Jensen requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Chambers	Johnson	Kruse	Price	Tyson
Foley	Jones	Pedersen, Dw.	Schimek	
Jensen	Kremer	Preister	Thompson	

Voting in the negative, 20:

Aguilar	Connealy	Hudkins	Mines	Redfield
Baker	Cunningham	Janssen	Mossey	Smith
Bromm	Erdman	Landis	Pederson, D.	Stuthman
Combs	Hartnett	McDonald	Raikes	Wehrbein

Present and not voting, 11:

Beutler	Cudaback	Maxwell	Synowiecki
Brown	Friend	Schrock	Vrtiska
Burling	Louden	Stuhr	

Excused and not voting, 5:

Bourne	Brashear	Byars	Engel	Quandahl

The Jensen amendment lost with 13 ayes, 20 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

May 6, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 282 was received in my office on May 6, 2003. I signed this bill and it was delivered to the Secretary of State on May 6, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

VISITORS

Visitors to the Chamber were Ariel, Mary, Stephen, Rebekah, Esther, and Rachel Clement and Melody and Emily Kaup from Scottsbluff; 11 eighth-grade students and teacher from Lewellen; 35 fourth-grade students and teachers from Springfield; 24 sixth-grade students and teachers from Washington Elementary School, Omaha; and 75 fourth-grade students and teachers from Arbor Park Elementary School, Blair.

RECESS

At 12:01 p.m., on a motion by Speaker 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 McDonald and Quandahl who were excused; and Senators Jones and

Kremer who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 283. Senator Cunningham offered the following motion:

Reconsider the vote on adoption of Committee Amendment 702 on LB 283.

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 Landis moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on the Cunningham motion to reconsider.

Voting in the affirmative, 36:

Aguilar	Combs	Janssen	Preister	Stuthman
Baker	Connealy	Johnson	Price	Thompson
Beutler	Cudaback	Landis	Raikes	Vrtiska
Bourne	Cunningham	Louden	Redfield	Wehrbein
Brashear	Engel	Mines	Schimek	
Bromm	Erdman	Mossey	Schrock	
Brown	Hartnett	Pedersen, Dw.	Smith	
Byars	Hudkins	Pederson, D.	Stuhr	

Voting in the negative, 7:

Burling	Foley	Kremer	Tyson
Chambers	Jensen	Kruse	

Present and not voting, 3:

Friend	Maxwell	Synowiecki

Excused and not voting, 3:

Jones	McDonald	Quandahl

The Cunningham motion to reconsider prevailed with 36 ayes, 7 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, AM0702, found on page 755 and considered in this day's Journal, was reconsidered.

Senator Chambers requested a roll call vote on the Standing Committee amendment.

The Standing Committee amendment was adopted with 33 ayes, 11 nays, 2 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following motion:
Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 285. Title read. Considered.

The Standing Committee amendment, AM1643, printed separately and referred to on page 1540, was considered.

Senator Beutler renewed his pending amendment, AM1696, found on page 1592, to the Standing Committee amendment.

Senator Beutler withdrew his amendment.

Senator Redfield offered the following amendment to the Standing Committee amendment:
AM1739

(Amendments to Standing Committee amendments, AM1643)

- 1 1. On page 9, reinstate the stricken matter beginning
- 2 with "and" in line 14 through "after" in line 15 and after the
- 3 reinstated matter insert "January 1, 2006,"; and in line 21
- 4 reinstate the stricken "and before" and after the reinstated matter
- 5 insert "January 1, 2006,".

Senators Dw. Pedersen and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

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 Redfield moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Smith requested a roll call vote, in reverse order, on the Redfield amendment.

Voting in the affirmative, 17:

Aguilar	Burling	Erdman	Kremer	Tyson
Baker	Byars	Foley	Mines	
Bourne	Combs	Friend	Redfield	
Bromm	Cunningham	Jensen	Smith	

Voting in the negative, 21:

Beutler	Hartnett	Landis	Schrock	Wehrbein
Chambers	Hudkins	Preister	Stuhr	
Connealy	Janssen	Price	Stuthman	
Cudaback	Johnson	Raikes	Synowiecki	
Engel	Kruse	Schimek	Thompson	

Present and not voting, 7:

Brashear	Jones	Maxwell	Vrtiska
Brown	Louden	Mossey	

Excused and not voting, 4:

McDonald Pedersen, Dw. Pederson, D. Quandahl

The Redfield amendment lost with 17 ayes, 21 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT **Education**

The Education 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 Educational Telecommunications Commission

Randall G. Bretz
William Griffin
John Heil
J. Paul McIntosh
Ann Pickel

Board of Educational Lands and Funds
Robert Martin

VOTE: Aye: Senators Raikes, Byars, Brashear, Maxwell, and McDonald.
Nay: None. Absent: Senators Bourne, Schrock, and Stuhr.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senators Bourne, Maxwell, Byars, and Schimek filed the following amendment to LB 540:
AM1717

(Amendments to AM1287)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 79-1007.02, Revised Statutes
- 3 Supplement, 2002, as amended by section 11, Legislative Bill 67,
- 4 Ninety-eighth Legislature, First Session, 2003, is amended to read
- 5 as follows:
- 6 79-1007.02. For state aid calculated for school fiscal
- 7 year 1998-99 and each school fiscal year thereafter:
- 8 (1) Using data from the annual financial reports for the
- 9 second school fiscal year immediately preceding the school fiscal
- 10 year in which aid is to be paid, the annual statistical summary
- 11 reports for the school fiscal year immediately preceding the school
- 12 fiscal year in which aid is to be paid, the fall membership reports
- 13 and supplements thereto for the school fiscal year immediately
- 14 preceding the school fiscal year in which aid is to be paid, and
- 15 the school district census as reported under sections 79-524 and
- 16 79-578 for the second school fiscal year preceding the school
- 17 fiscal year in which aid is to be paid, the department shall divide
- 18 the local systems into three cost groupings prior to the
- 19 certification of state aid based upon the following criteria:
- 20 (a) The very sparse cost grouping will consist of local
- 21 systems that have (i)(A) less than one-half student per square mile
- 22 in each county in which each high school attendance center is
- 23 located, based on the school district census, (B) less than one
- 1 formula student per square mile in the local system, and (C) more
- 2 than fifteen miles between the high school attendance center and
- 3 the next closest high school attendance center on paved roads or
- 4 (ii)(A) more than four hundred fifty square miles in the local
- 5 system, (B) less than one-half student per square mile in the local
- 6 system, and (C) more than fifteen miles between each high school
- 7 attendance center and the next closest high school attendance
- 8 center on paved roads;
- 9 (b) The sparse cost grouping will consist of local
- 10 systems that do not qualify for the very sparse cost grouping but
- 11 which meet the following criteria:
- 12 (i)(A) Less than two students per square mile in the
- 13 county in which each high school is located, based on the school
- 14 district census, (B) less than one formula student per square mile
- 15 in the local system, and (C) more than ten miles between each high

16 school attendance center and the next closest high school
17 attendance center on paved roads;

18 (ii)(A) Less than one and one-half formula students per
19 square mile in the local system and (B) more than fifteen miles
20 between each high school attendance center and the next closest
21 high school attendance center on paved roads;

22 (iii)(A) Less than one and one-half formula students per
23 square mile in the local system and (B) more than two hundred
24 seventy-five square miles in the local system; or

25 (iv)(A) Less than two formula students per square mile in
26 the local system and (B) the local system includes an area equal to
27 ninety-five percent or more of the square miles in the largest
1 county in which a high school attendance center is located in the
2 local system; and

3 (c) The standard cost grouping will consist of local
4 systems that do not qualify for the very sparse or the sparse cost
5 groupings.

6 For purposes of subdivision (1) of this section, if a
7 local system did not operate and offer instruction in grades nine
8 through twelve within the boundaries of the local system during the
9 school fiscal year immediately preceding the school fiscal year in
10 which aid is to be paid, the local system shall not be considered
11 to have a high school attendance center;

12 (2) The department shall calculate the average formula
13 cost per student in each cost grouping by dividing the total
14 estimated general fund operating expenditures for the cost grouping
15 by the total adjusted formula students for all local systems in the
16 cost grouping. For the calculation of state aid for school fiscal
17 year 1999-00 and for each school fiscal year thereafter, the
18 average formula cost per student in each cost grouping shall not be
19 recalculated for the final calculation of state aid pursuant to
20 section 79-1065. The calculation of total adjusted formula
21 students for purposes of this subdivision shall take into account
22 the requirements of subsection (2) of section 79-1007.01. The
23 total estimated general fund operating expenditures for the cost
24 grouping is equal to the total adjusted general fund operating
25 expenditures for all local systems in the cost grouping multiplied
26 by a cost growth factor. ~~The~~ For all school fiscal years except
27 2005-06, the cost growth factor for each cost grouping is equal to

1 the sum of: (a) One; plus (b) the product of two times the ratio
2 of the difference between the formula students attributable to the
3 cost grouping without weighting or adjustment pursuant to section
4 79-1007.01 and the sum of the average daily membership plus
5 tuitioned students attributable to the cost grouping for the most
6 recently available complete data year divided by the sum of the
7 average daily membership plus tuitioned students attributable to
8 the cost grouping for the most recently available complete data
9 year, except that the ratio shall not be less than zero; plus (c)
10 the basic allowable growth rate pursuant to section 79-1025 for the

11 school fiscal year in which the aid is to be distributed; plus (d)
12 the basic allowable growth rate pursuant to section 79-1025 for the
13 school fiscal year immediately preceding the school fiscal year in
14 which the aid is to be distributed; plus (e) one-half of any
15 additional growth rate allowed by special action of school boards
16 for the school fiscal year in which the aid is to be distributed as
17 determined for the school fiscal year immediately preceding the
18 school fiscal year when aid is to be distributed; plus (f) one-half
19 of any additional growth rate allowed by special action of the
20 school boards for the school fiscal year immediately preceding the
21 school fiscal year when the aid is to be distributed. For school
22 fiscal year 2005-06, the cost growth factor for each cost grouping
23 is equal to the sum of: (a) One; plus (b) the product of two times
24 the ratio of the difference between the formula students
25 attributable to the cost grouping without weighting or adjustment
26 pursuant to section 79-1007.01 and the average daily membership
27 attributable to the cost grouping for the most recently available
1 complete data year divided by the average daily membership
2 attributable to the cost grouping for the most recently available
3 complete data year, except that the ratio shall not be less than
4 zero; plus (c) two times the basic allowable growth rate pursuant
5 to section 79-1025 for school fiscal year 2005-06; plus (d) any
6 additional growth rate allowed by special action of the school
7 boards for school fiscal year 2005-06;

8 (3) For all school fiscal years except school fiscal
9 years 2002-03, 2003-04, or 2004-05, each local system's formula
10 need will be equal to the local system's transportation allowance
11 plus the local system's special receipts allowance plus the product
12 of the local system's adjusted formula students multiplied by the
13 average formula cost per student in the local system's cost
14 grouping. The calculation of total adjusted formula students for
15 purposes of this subdivision shall take into account the
16 requirements of subsection (2) of section 79-1007.01; and
17 (4) For school fiscal years 2002-03, 2003-04, or 2004-05,
18 each local system's formula need shall be calculated by subtracting
19 the temporary aid adjustment factor from the sum of the local
20 system's transportation allowance, the local system's special
21 receipts allowance, and the product of the local system's adjusted
22 formula students multiplied by the average formula cost per student
23 in the local system's cost grouping. The calculation of total
24 adjusted formula students for purposes of this subdivision shall
25 take into account the requirements of subsection (2) of section
26 79-1007.01."

27 2. Amend the repealer, renumber the remaining sections,
1 and correct internal references accordingly.

Senator Chambers filed the following amendments to LB 283:
FA1350
Amend AM0702

In line 2, strike "twenty-nine" and insert "forty-six"; in line 3, strike "ninety-five" and insert "two dollars and twenty"; in line 5, strike "six" and insert "twelve"; and in line 6, strike "three" and insert "six".

FA1351

Amend AM0702

Strike section 2.

FA1352

Strike the emergency clause.

FA1353

Strike sections 2 and 4.

Senator Beutler filed the following amendment to LB 602:

AM1748

(Amendments to Standing Committee amendments, AM0971)

- 1 1. Strike sections 2 to 5 and all amendments thereto and
- 2 insert the following new sections:
- 3 "Sec. 2. It is the purpose of the Human Cloning
- 4 Prohibition Act to prohibit human cloning and to protect important
- 5 areas of medical research, including stem cell research.
- 6 Sec. 3. For purposes of the Human Cloning Prohibition
- 7 Act:
- 8 (1) Donating means giving without receiving valuable
- 9 consideration;
- 10 (2) Fertilization means the fusion of an oocyte
- 11 containing a haploid nucleus with a male gamete;
- 12 (3) Human cloning means implanting or attempting to
- 13 implant the product of nuclear transplantation into a uterus or the
- 14 functional equivalent of a uterus;
- 15 (4) Human somatic cell means any human cell other than a
- 16 haploid germ cell;
- 17 (5) Nuclear transplantation means transferring the
- 18 nucleus of a human somatic cell into an oocyte from which the
- 19 nucleus or all chromosomes have been or will be removed or rendered
- 20 inert;
- 21 (6) Nucleus means the cell structure that houses the
- 22 chromosomes;
- 23 (7) Oocyte means the female germ cell, the egg;
- 1 (8) Unfertilized blastocyst means an intact cellular
- 2 structure that is the product of nuclear transplantation.
- 3 Unfertilized blastocyst does not include stem cells, other cells,
- 4 cellular structures, or biological products derived from an intact
- 5 cellular structure that is the product of nuclear transplantation;
- 6 and
- 7 (9) Valuable consideration does not include reasonable
- 8 payments (a) associated with the transportation, processing,
- 9 preservation, or storage of a human oocyte or of the product of

10 nuclear transplantation research or (b) to compensate a donor of
11 one or more human oocytes for the time or inconvenience associated
12 with such donation.

13 Sec. 4. (1) It is unlawful for any person or other legal
14 entity, public or private: (a) To conduct or attempt to conduct
15 human cloning; or (b) to ship or receive the product of nuclear
16 transplantation for the purpose of human cloning.

17 (2) This section does not restrict practices not
18 expressly prohibited in this section.

19 Sec. 5. (1) Any person who intentionally violates the
20 Human Cloning Prohibition Act is guilty of a Class IV felony.

21 (2) Any property, real or personal, derived from or used
22 to commit a violation or attempted violation of the act or any
23 property traceable to such property shall be subject to forfeiture
24 to the State of Nebraska.

25 (3) This section does not give any individual or person a
26 private right of action.

27 Sec. 6. Research involving nuclear transplantation shall
1 be conducted in accordance with 45 C.F.R. part 46 subpart A or 21
2 C.F.R. parts 50 and 56, as such regulations existed on the
3 effective date of this act.

4 Sec. 7. (1) A somatic cell nucleus shall not be
5 transplanted into a human oocyte that has undergone or will undergo
6 fertilization.

7 (2) An unfertilized blastocyst shall not be maintained
8 after more than fourteen days from its first cell division, not
9 including any time during which it is stored at a temperature of
10 zero degrees centigrade or less.

11 (3)(a) An oocyte may not be used in nuclear
12 transplantation research unless such oocyte has been donated
13 voluntarily by and with the informed consent of the woman donating
14 the oocyte.

15 (b) No human oocyte or unfertilized blastocyst may be
16 acquired, received, or otherwise transferred for valuable
17 consideration."

RESOLUTIONS

LEGISLATIVE RESOLUTION 87. Introduced by Kremer, 34; Schrock, 38.

PURPOSE: The purpose of this study is to examine the desirability and feasibility of extending the protections afforded to owners and sellers of grain under the Grain Dealer Act and/or the Grain Warehouse Act to grain sold to and received by entities currently excluded from the regulatory and licensing requirements of these acts. It is the intent of this resolution that the Agriculture Committee of the Legislature conduct a study in conjunction with the Public Service Commission and involve producers, grain industry participants, and end users of grain.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 88. Introduced by Kremer, 34.

PURPOSE: On June 25, 2001, the United States Supreme Court ruled in *USDA v. United Foods* that mandatory assessments under the federal Mushroom Promotion, Research, and Consumer Information Act of 1990 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* and progeny federal court decisions for state commodity promotion programs funded through checkoff assessments against producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 89. Introduced by Kremer, 34.

PURPOSE: The purpose of this study is to examine alternative revenue sources to fund the duties and activities of the Department of Agriculture under the Noxious Weed Control Act. Additionally, the study shall examine potential statutory changes to enable the department and county weed control authorities to better respond to exotic weed infestations and other weed control challenges and opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 90. Introduced by Schimek, 27; Baker, 44.

PURPOSE: The purpose of this resolution is to study residency requirements for elected county officials. Currently, candidates for county offices, except county commissioner candidates, are not required to be residents of the county when they file for election. If the candidate is elected, he or she must become a resident of the county.

Residency requirements of elected county officials, including the advantages and disadvantages of requiring a candidate to reside in the county when filing for office, shall be examined. The Secretary of State and the Nebraska Association of County Officials, as well as other interested parties, shall be asked to participate in the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 91. Introduced by Schimek, 27.

PURPOSE: The purpose of this resolution is to study the possibility of granting statutory authority to counties to enact ordinances, bylaws, rules, regulations, or resolutions for the welfare of a county.

Pursuant to current law, counties have used their regulatory power through the adoption of resolutions. However, in *DLH, Inc. v. Lancaster County Board of Commissioners*, 264 Neb. 358 (2002), the Nebraska Supreme Court opined that "regulation" and "resolution" were distinctive terms and concluded that counties do not have the legal authority to regulate certain behaviors by enacting resolutions.

This study shall include, but not be limited to:

1. Gathering input from counties as to which behaviors are beyond its authority to regulate as a result of *DLH, Inc. v. Lancaster County Board of Commissioners*;

2. Researching current statutes granting cities and villages the authority to enact ordinances, bylaws, rules, regulations, or resolutions;

3. Analyzing how granting counties the authority to enact ordinances may impact the resolutions already adopted by the counties;

4. Examining the powers granted to counties in other states, including the authority to enact ordinances, bylaws, rules, and regulations; and

5. Examining potential conflicts between municipalities and counties if both entities are given the authority to enact ordinances, bylaws, rules, regulations, and resolutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 92. Introduced by Schimek, 27; Wehrbein, 2; Jensen, 20.

PURPOSE: The purpose of this resolution is to study Nebraska's plan for the continuity of government in periods of emergency, including the necessity for prompt succession of power and duties of public officials.

In response to a previous interim study on terrorism, LB 13 was introduced which changed the order of succession to the Governor when the Governor is not able to complete his or her term. As the bill was debated, it became apparent that further study which included all three branches of government was needed.

The study will explore, but not be limited to, the following questions:

1. Is there a need to update the state's constitution and statutes dealing with the issue of continuity of government?

2. Do the legislative, executive, and judicial branches of government have a plan for continuing their work if the capitol becomes unusable for any length of time? If not, should such plans be developed?

3. Has the Legislature identified the critical system needs that are necessary for the continuation of government?

4. What do other states do regarding the question of succession?

5. What should be the criteria for developing a plan for succession?

6. What should that plan be?

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

1. That a committee comprised of members from the Executive Board, the Government, Military and Veterans Affairs Committee, the executive branch, and the judicial branch 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 285. Senator Beutler offered the following

amendment to the Standing Committee amendment:

AM1732

(Amendments to Standing Committee amendments, AM1643)

1 1. Insert the following new sections:

2 "Section 1. Section 21-303, Reissue Revised Statutes of
3 Nebraska, as amended by section 3, Legislative Bill 524,
4 Ninety-eighth Legislature, First Session, 2003, is amended to read:

5 21-303. (1) At the time of filing the report under
6 section 21-301 each even-numbered year, it shall be the duty of
7 every corporation for profit, and registered in the office of the
8 Secretary of State on January 1, whether incorporated under the
9 laws of this state or incorporated under the laws of any other
10 state when such corporations have domesticated in this state, to
11 pay to the Secretary of State a biennial fee for each even-numbered
12 calendar year beginning January 1, which fee shall be due and
13 assessable on such date and delinquent if not paid on or before
14 April 15 of each even-numbered year.

15 (2) The Except as provided in subsection (3) of this
16 section, the biennial fee shall be as follows: When the paid-up
17 capital stock of a corporation does not exceed ten thousand
18 dollars, a fee of twenty-six dollars; when such paid-up capital
19 stock exceeds ten thousand dollars but does not exceed twenty
20 thousand dollars, a fee of forty dollars; when such paid-up capital
21 stock exceeds twenty thousand dollars but does not exceed thirty
22 thousand dollars, a fee of sixty dollars; when such paid-up capital
23 stock exceeds thirty thousand dollars but does not exceed forty
1 thousand dollars, a fee of eighty dollars; when such paid-up
2 capital stock exceeds forty thousand dollars but does not exceed
3 fifty thousand dollars, a fee of one hundred dollars; when such
4 paid-up capital stock exceeds fifty thousand dollars but does not
5 exceed sixty thousand dollars, a fee of one hundred twenty dollars;
6 when such paid-up capital stock exceeds sixty thousand dollars but
7 does not exceed seventy thousand dollars, a fee of one hundred
8 forty dollars; when such paid-up capital stock exceeds seventy
9 thousand dollars but does not exceed eighty thousand dollars, a fee
10 of one hundred sixty dollars; when such paid-up capital stock
11 exceeds eighty thousand dollars but does not exceed ninety thousand
12 dollars, a fee of one hundred eighty dollars; when such paid-up
13 capital stock exceeds ninety thousand dollars but does not exceed
14 one hundred thousand dollars, a fee of two hundred dollars; when
15 such paid-up capital stock exceeds one hundred thousand dollars but
16 does not exceed one hundred twenty-five thousand dollars, a fee of
17 two hundred forty dollars; when such paid-up capital stock exceeds
18 one hundred twenty-five thousand dollars but does not exceed one
19 hundred fifty thousand dollars, a fee of two hundred eighty
20 dollars; when such paid-up capital stock exceeds one hundred fifty
21 thousand dollars but does not exceed one hundred seventy-five
22 thousand dollars, a fee of three hundred twenty dollars; when such
23 paid-up capital stock exceeds one hundred seventy-five thousand

24 dollars but does not exceed two hundred thousand dollars, a fee of
25 three hundred sixty dollars; when such paid-up capital stock
26 exceeds two hundred thousand dollars but does not exceed two
27 hundred twenty-five thousand dollars, a fee of four hundred
1 dollars; when such paid-up capital stock exceeds two hundred
2 twenty-five thousand dollars but does not exceed two hundred fifty
3 thousand dollars, a fee of four hundred forty dollars; when such
4 paid-up capital stock exceeds two hundred fifty thousand dollars
5 but does not exceed two hundred seventy-five thousand dollars, a
6 fee of four hundred eighty dollars; when such paid-up capital stock
7 exceeds two hundred seventy-five thousand dollars but does not
8 exceed three hundred thousand dollars, a fee of five hundred twenty
9 dollars; when such paid-up capital stock exceeds three hundred
10 thousand dollars but does not exceed three hundred twenty-five
11 thousand dollars, a fee of five hundred sixty dollars; when such
12 paid-up capital stock exceeds three hundred twenty-five thousand
13 dollars but does not exceed three hundred fifty thousand dollars, a
14 fee of six hundred dollars; when such paid-up capital stock exceeds
15 three hundred fifty thousand dollars but does not exceed four
16 hundred thousand dollars, a fee of six hundred sixty-six dollars;
17 when such paid-up capital stock exceeds four hundred thousand
18 dollars but does not exceed four hundred fifty thousand dollars, a
19 fee of seven hundred thirty dollars; when such paid-up capital
20 stock exceeds four hundred fifty thousand dollars but does not
21 exceed five hundred thousand dollars, a fee of eight hundred
22 dollars; when such paid-up capital stock exceeds five hundred
23 thousand dollars but does not exceed six hundred thousand dollars,
24 a fee of nine hundred ten dollars; when such paid-up capital stock
25 exceeds six hundred thousand dollars but does not exceed seven
26 hundred thousand dollars, a fee of one thousand ten dollars; when
27 such paid-up capital stock exceeds seven hundred thousand dollars
1 but does not exceed eight hundred thousand dollars, a fee of one
2 thousand one hundred twenty dollars; when such paid-up capital
3 stock exceeds eight hundred thousand dollars but does not exceed
4 nine hundred thousand dollars, a fee of one thousand two hundred
5 thirty dollars; when such paid-up capital stock exceeds nine
6 hundred thousand dollars but does not exceed one million dollars, a
7 fee of one thousand three hundred thirty dollars; when such paid-up
8 capital stock exceeds one million dollars but does not exceed ten
9 million dollars, a fee of one thousand three hundred thirty
10 dollars, and eight hundred dollars additional for each million or
11 fraction thereof over and above one million dollars; when such
12 paid-up capital stock exceeds ten million dollars but does not
13 exceed fifteen million dollars, a fee of twelve thousand dollars;
14 when such paid-up capital stock exceeds fifteen million dollars but
15 does not exceed twenty million dollars, a fee of fourteen thousand
16 six hundred sixty dollars; when such paid-up capital stock exceeds
17 twenty million dollars but does not exceed twenty-five million
18 dollars, a fee of seventeen thousand three hundred thirty dollars;

19 when such paid-up capital stock exceeds twenty-five million dollars
20 but does not exceed fifty million dollars, a fee of twenty thousand
21 six hundred sixty dollars; when such paid-up capital stock exceeds
22 fifty million dollars but does not exceed one hundred million
23 dollars, a fee of twenty-one thousand three hundred thirty dollars;
24 and when such paid-up capital stock exceeds one hundred million
25 dollars, a fee of twenty-three thousand nine hundred ninety
26 dollars. The minimum biennial fee for filing such report shall be
27 twenty-six dollars. For purposes of determining the fee, the stock
1 of corporations incorporated under the laws of any other state,
2 which corporations have domesticated in this state and which stock
3 is without par value, shall be deemed to have a par value of an
4 amount equal to the amount paid in as capital for such shares at
5 the time of the issuance thereof.

6 (3) In addition to the biennial fee assessed under
7 subsection (2) of this section, for the calendar year 2004, the
8 biennial fee shall be increased by the following amounts: When the
9 paid-up capital stock of a corporation does not exceed ten thousand
10 dollars, a fee of twenty-four dollars; when such paid-up capital
11 stock exceeds ten thousand dollars but does not exceed twenty
12 thousand dollars, a fee of thirty-seven dollars; when such paid-up
13 capital stock exceeds twenty thousand dollars but does not exceed
14 thirty thousand dollars, a fee of fifty-six dollars; when such
15 paid-up capital stock exceeds thirty thousand dollars but does not
16 exceed forty thousand dollars, a fee of seventy-four dollars; when
17 such paid-up capital stock exceeds forty thousand dollars but does
18 not exceed fifty thousand dollars, a fee of ninety-three dollars;
19 when such paid-up capital stock exceeds fifty thousand dollars but
20 does not exceed sixty thousand dollars, a fee of one hundred twelve
21 dollars; when such paid-up capital stock exceeds sixty thousand
22 dollars but does not exceed seventy thousand dollars, a fee of one
23 hundred thirty dollars; when such paid-up capital stock exceeds
24 seventy thousand dollars but does not exceed eighty thousand
25 dollars, a fee of one hundred forty-nine dollars; when such paid-up
26 capital stock exceeds eighty thousand dollars but does not exceed
27 ninety thousand dollars, a fee of one hundred sixty-seven dollars;
1 when such paid-up capital stock exceeds ninety thousand dollars but
2 does not exceed one hundred thousand dollars, a fee of one hundred
3 eighty-six dollars; when such paid-up capital stock exceeds one
4 hundred thousand dollars but does not exceed one hundred
5 twenty-five thousand dollars, a fee of two hundred twenty-three
6 dollars; when such paid-up capital stock exceeds one hundred
7 twenty-five thousand dollars but does not exceed one hundred fifty
8 thousand dollars, a fee of two hundred sixty dollars; when such
9 paid-up capital stock exceeds one hundred fifty thousand dollars
10 but does not exceed one hundred seventy-five thousand dollars, a
11 fee of two hundred ninety-eight dollars; when such paid-up capital
12 stock exceeds one hundred seventy-five thousand dollars but does
13 not exceed two hundred thousand dollars, a fee of three hundred

14 thirty-five dollars; when such paid-up capital stock exceeds two
15 hundred thousand dollars but does not exceed two hundred
16 twenty-five thousand dollars, a fee of three hundred seventy-two
17 dollars; when such paid-up capital stock exceeds two hundred
18 twenty-five thousand dollars but does not exceed two hundred fifty
19 thousand dollars, a fee of four hundred nine dollars; when such
20 paid-up capital stock exceeds two hundred fifty thousand dollars
21 but does not exceed two hundred seventy-five thousand dollars, a
22 fee of four hundred forty-six dollars; when such paid-up capital
23 stock exceeds two hundred seventy-five thousand dollars but does
24 not exceed three hundred thousand dollars, a fee of four hundred
25 eighty-four dollars; when such paid-up capital stock exceeds three
26 hundred thousand dollars but does not exceed three hundred
27 twenty-five thousand dollars, a fee of five hundred twenty-one
1 dollars; when such paid-up capital stock exceeds three hundred
2 twenty-five thousand dollars but does not exceed three hundred
3 fifty thousand dollars, a fee of five hundred fifty-eight dollars;
4 when such paid-up capital stock exceeds three hundred fifty
5 thousand dollars but does not exceed four hundred thousand dollars,
6 a fee of six hundred nineteen dollars; when such paid-up capital
7 stock exceeds four hundred thousand dollars but does not exceed
8 four hundred fifty thousand dollars, a fee of six hundred
9 seventy-nine dollars; when such paid-up capital stock exceeds four
10 hundred fifty thousand dollars but does not exceed five hundred
11 thousand dollars, a fee of seven hundred forty-four dollars; when
12 such paid-up capital stock exceeds five hundred thousand dollars
13 but does not exceed six hundred thousand dollars, a fee of eight
14 hundred forty-six dollars; when such paid-up capital stock exceeds
15 six hundred thousand dollars but does not exceed seven hundred
16 thousand dollars, a fee of nine hundred thirty-nine dollars; when
17 such paid-up capital stock exceeds seven hundred thousand dollars
18 but does not exceed eight hundred thousand dollars, a fee of one
19 thousand forty-two dollars; when such paid-up capital stock exceeds
20 eight hundred thousand dollars but does not exceed nine hundred
21 thousand dollars, a fee of one thousand one hundred forty-four
22 dollars; when such paid-up capital stock exceeds nine hundred
23 thousand dollars but does not exceed one million dollars, a fee of
24 one thousand two hundred thirty-seven dollars; when such paid-up
25 capital stock exceeds one million dollars but does not exceed ten
26 million dollars, a fee of one thousand two hundred thirty-seven
27 dollars, and six hundred eighty-eight dollars additional for each
1 million or fraction thereof over and above one million dollars;
2 when such paid-up capital stock exceeds ten million dollars but
3 does not exceed fifteen million dollars, a fee of eleven thousand
4 one hundred sixty dollars; when such paid-up capital stock exceeds
5 fifteen million dollars but does not exceed twenty million dollars,
6 a fee of thirteen thousand six hundred thirty-four dollars; when
7 such paid-up capital stock exceeds twenty million dollars but does
8 not exceed twenty-five million dollars, a fee of sixteen thousand

9 one hundred seventeen dollars; when such paid-up capital stock
10 exceeds twenty-five million dollars but does not exceed fifty
11 million dollars, a fee of nineteen thousand two hundred fourteen
12 dollars; when such paid-up capital stock exceeds fifty million
13 dollars but does not exceed one hundred million dollars, a fee of
14 nineteen thousand eight hundred thirty-seven dollars; and when such
15 paid-up capital stock exceeds one hundred million dollars, a fee of
16 twenty-two thousand three hundred eleven dollars. The additional
17 minimum biennial fee for filing such report shall be twenty-four
18 dollars. For purposes of determining the fee, the stock of
19 corporations incorporated under the laws of any other state, which
20 corporations have domesticated in this state and which stock is
21 without par value, shall be deemed to have a par value of an amount
22 equal to the amount paid in as capital for such shares at the time
23 of the issuance thereof. The increased amounts collected under
24 this subsection shall be credited to the Cash Reserve Fund.

25 Sec. 2. Section 21-306, Revised Statutes Supplement,
26 2002, as amended by section 6, Legislative Bill 524, Ninety-eighth
27 Legislature, First Session, 2003, is amended to read:

1 21-306. Upon the filing of the biennial report required
2 under section 21-304 with the Secretary of State, it shall be the
3 duty of every foreign corporation for profit, doing business in
4 this state, to pay to the Secretary of State a biennial fee which
5 shall be for each even-numbered calendar year beginning January 1
6 and become due and assessable on March 1 of that year and become
7 delinquent if not paid by April 15 of each even-numbered year. The
8 fee shall be measured by the property employed by the foreign
9 corporation in the conduct of its business in the State of
10 Nebraska. For such purpose the property shall consist of the sum
11 total of the actual value of all real estate and personal property
12 employed in Nebraska by such foreign corporation in the transaction
13 of its business. The biennial fee to be paid by such foreign
14 corporation shall be based upon the sum so determined, and shall be
15 considered the capital stock of such foreign corporation in this
16 state for the purpose of the biennial fee. The schedule of payment
17 shall be double the fees set forth in section 21-303, or any
18 amendments thereto, except that the fee shall not exceed thirty
19 thousand dollars for all years other than calendar year 2004 and
20 fifty-seven thousand nine hundred dollars for calendar year 2004,
21 and the Secretary of State, or any person deputized by the
22 Secretary of State, shall have authority to investigate and obtain
23 information from such corporation or any state, county, or city
24 official. Such officers are authorized by this section to furnish
25 such information to the Secretary of State, or anyone deputized by
26 the Secretary of State, in order to determine all facts and give
27 effect to the collection of the biennial fee.

1 Sec. 3. Section 21-311, Reissue Revised Statutes of
2 Nebraska, as amended by section 7, Legislative Bill 524,
3 Ninety-eighth Legislature, First Session, 2003, is amended to read:

4 21-311. The Secretary of State shall make a report
5 monthly to the Tax Commissioner of the biennial fees collected
6 under sections 21-301 to 21-325 and shall pay the same into the
7 state treasury to the credit of the General Fund except as provided
8 in subsection (3) of section 21-303. The report shall include the
9 amount of any refunds paid out under section 21-328.
10 Sec. 4. Section 21-314, Reissue Revised Statutes of
11 Nebraska, as amended by section 9, Legislative Bill 524,
12 Ninety-eighth Legislature, First Session, 2003, is amended to read:
13 21-314. Such biennial fee or fees to be paid as provided
14 in sections 21-301 to 21-325 may be recovered by an action in the
15 name of the state and on collection shall be paid into the treasury
16 to the credit of the General Fund except as provided in subsection
17 (3) of section 21-303."
18 2. On page 12, line 19, strike "and"; and in line 20
19 after the last comma insert "sections 21-303, 21-311, and 21-314,
20 Reissue Revised Statutes of Nebraska, as amended by sections 3, 7,
21 and 9, respectively, Legislative Bill 524, Ninety-eighth
22 Legislature, First Session, 2003, and section 21-306, Revised
23 Statutes Supplement, 2002, as amended by section 6, Legislative
24 Bill 524, Ninety-eighth Legislature, First Session, 2003,".
25 3. Renumber the remaining sections accordingly.

Senator Beutler withdrew his amendment.

The Standing Committee amendment, AM1643, printed separately and referred to on page 1540 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 30 ayes, 0 nays, 15 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.

Advanced to E & R for review with 34 ayes, 7 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 379. Title read. Considered.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

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 Hartnett moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for review with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 759:
AM1740

(Amendments to E & R amendments, AM7114)

- 1 1. On page 15, line 15, strike "including" and insert
- 2 "excluding".

Senator Wehrbein filed the following amendment to LB 408:
AM1669

(Amendments to E & R amendments, AM7125)

- 1 1. Strike section 2.
- 2 2. On page 17, line 12, strike "39-2215,".
- 3 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING Government, Military and Veterans Affairs Room 1507

Tuesday, May 13, 2003

1:00 p.m.

Mary C. Colacurci - State Personnel Board

LR 52 Tuesday, May 13, 2003

1:00 p.m.

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 685. Placed on Select File as amended.

(E & R amendment, AM7133, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 806. Placed on Select File as amended.

(E & R amendment, AM7123, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 513. Placed on Select File as amended.

E & R amendment to LB 513:

AM7130

- 1 1. On page 1, strike lines 2 and 3 and insert "provide
- 2 duties relating to meningococcal disease."

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 320. Title read. Considered.

The Standing Committee amendment, AM0805, found on page 899, was considered.

Senators Brown, Janssen, and D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Brashear withdrew his pending amendment, AM1635, found on page 1564.

Senator Brashear renewed his pending amendment, AM1720, found on page 1616, to the Standing Committee amendment.

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

Senator Raikes 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 Brashear amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 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 Preister filed the following amendment to LB 287:

FA1354

Add "excluding motor vehicles" on page 5 line 14 after property.

Senator Brashear filed the following amendment to LB 759:

AM1756

(Amendments to AM1561)

- 1 1. Insert the following new amendments:
- 2 "1. Insert the following new sections:
- 3 "Sec. 4. Section 77-2701.02, Revised Statutes

4 Supplement, 2002, is amended to read:

5 77-2701.02. Pursuant to section 77-2715.01:

6 (1) Until July 1, 1998, the rate of the sales tax levied

7 pursuant to section 77-2703 shall be five percent;

8 (2) Commencing July 1, 1998, and until July 1, 1999, the

9 rate of the sales tax levied pursuant to section 77-2703 shall be
10 four and one-half percent;

11 (3) Commencing July 1, 1999, and until the start of the
12 first calendar quarter after July 20, 2002, the rate of the sales

13 tax levied pursuant to section 77-2703 shall be five percent; and

14 (4) Commencing on the start of the first calendar quarter

15 after July 20, 2002, ~~and until the start of the fifth calendar~~

16 ~~quarter after July 20, 2002,~~ the rate of the sales tax levied

17 pursuant to section 77-2703 shall be five and one-half percent. ;

18 ~~and~~

19 ~~(5) Commencing on the start of the fifth calendar quarter~~

20 ~~after July 20, 2002, the rate of the sales tax levied pursuant to~~

21 ~~section 77-2703 shall be five percent.~~

22 Sec. 18. Section 77-27,132, Reissue Revised Statutes of

23 Nebraska, is amended to read:

1 77-27,132. (1) There is hereby created a fund to be

2 designated the Revenue Distribution Fund which shall be set apart

3 and maintained by the Tax Commissioner. Revenue not required to be

4 credited to the General Fund or any other specified fund may be

5 credited to the Revenue Distribution Fund. Credits and refunds of

6 such revenue shall be paid from the Revenue Distribution Fund. The

7 balance of the amount credited, after credits and refunds, shall be

8 allocated as provided by the statutes creating such revenue.

9 (2) The Tax Commissioner shall pay to a depository bank

10 designated by the State Treasurer all amounts collected under the

11 Nebraska Revenue Act of 1967. The Tax Commissioner shall present

12 to the State Treasurer bank receipts showing amounts so deposited

13 in the bank, and of the amounts so deposited the State Treasurer

14 shall credit to the Highway Trust Fund all of the proceeds of the

15 sales and use taxes derived from motor vehicles, trailers, and

16 semitrailers, except that the proceeds equal to any sales tax rate

17 provided for in section 77-2701.02 that is in excess of five

18 percent derived from motor vehicles, trailers, and semitrailers

19 shall be credited to the General Fund. The balance of the all

20 amounts so paid collected under the Nebraska Revenue Act of 1967

21 shall be credited to the General Fund."

22 3. On page 3, line 24, before "Commencing" insert

23 paragraphing and "(2)"; and in lines 26 and 27 strike "less three

24 million dollars" and show as stricken.

25 4. On page 4, line 3, strike "less three million

26 dollars"; in line 6 after the period insert "The State Treasurer

27 shall reduce the amount placed in the General Fund under this

1 subsection by the amount prescribed in subdivision (3)(d) of this

2 section."; and in line 10 before "The" insert paragraphing and

3 "(3)".

4 5. On page 5, strike beginning with "until" in line 25
5 through line 27 and show as stricken.

6 6. On page 6, strike beginning with "the" in line 1
7 through the first comma in line 9 and show as stricken; in line 16
8 strike "(f) Sixth", show as stricken, and insert "(e) Fifth"; in
9 line 19 strike "(g) Seventh", show as stricken, and insert "(f)
10 Sixth"; and in line 26 strike "(h) Eighth", show as stricken, and
11 insert "(g) Seventh".

12 7. On page 7, line 7, strike "(i) Ninth", show as
13 stricken, and insert "(h) Eighth"; after line 10 insert
14 "(4) If, after distributing the proceeds of such tax
15 pursuant to subsections (2) and (3) of this section, any proceeds
16 of such tax remain, the State Treasurer shall place such remainder
17 in the Nebraska Capital Construction Fund."; and in line 11 strike
18 "(2)", show as stricken, and insert "(5)".

19 8. On page 15, strike lines 6 through 10 and insert "as
20 provided in section 15 of this act;" in line 13 after "repair"
21 insert "or maintenance"; and in line 22 after the period insert the
22 following new paragraph:

23 "The Tax Commissioner shall adopt and promulgate rules
24 and regulations to carry out the changes made to this subsection by
25 this legislative bill and shall hold a hearing on such rules and
26 regulations.".

27 9. On page 38, strike line 13 and insert "the labor of a
1 contractor purchased in connection"; in line 22 strike the last
2 "or"; in line 25 before the period insert "; or
3 (f) The major renovation of an existing building or a
4 unit of an existing building.

5 (2) Sales and use taxes shall be imposed on the gross
6 income received for labor by a contractor except as provided in
7 subsection (1) of this section.

8 (3) For purposes of this section:

9 (a) Building means any freestanding structure annexed to
10 land, enclosed within a roof and exterior walls, regardless of
11 whether enclosed on all sides;

12 (b) Building materials means items that will be annexed
13 to land or an improvement on land. Building materials do not
14 include tools, supplies, or items that will not be annexed;

15 (c) Contractor means any person who repairs property
16 annexed to, or who annexes property to real estate, including
17 leased property, by attaching their own building materials to the
18 improvement or annexed property being built or repaired. This
19 includes the installation of fixtures and the repair of a building,
20 structure, or fixture;

21 (d) Fixture means a piece of equipment that must be
22 annexed to the building or structure in order to properly function,
23 yet remains identifiable as a separate item;

24 (e) Major renovation of an existing building or a unit of

25 an existing building means:

26 (i) The renovation of an existing building that increases
 27 the market value of the building or unit by at least one hundred
 1 percent; or

2 (ii) A renovation of an existing building or a unit of an
 3 existing building that entails the renovation of no less than
 4 seventy-five percent of the square feet of the building or unit;

5 (f) Renovation means the rehabilitation, replacement, or
 6 reconfiguration of walls or fixtures. Mere replacement of floor
 7 coverings does not constitute renovation for purposes of
 8 subdivision (1)(f) of this section;

9 (g) Structure means any construction composed of parts
 10 arranged and fitted together in some way. Structure includes, but
 11 is not limited to, streets and roadways, street lighting, and
 12 sewers and waterlines; and

13 (h) Unit means a physical portion of a building
 14 designated for separate ownership, rental, or occupancy."; and
 15 strike lines 26 and 27.

16 10. On page 39, strike lines 1 through 22."."

Senator Brashear filed the following amendment to LB 759:
 AM1755

(Amendments to AM1561)

1 1. Insert the following new amendments:

2 "1. Insert the following sections:

3 "Sec. 2. Section 77-2101.03, Revised Statutes

4 Supplement, 2002, is amended to read:

5 77-2101.03. (1) For decedents dying on or after January
 6 1, 2003, and before October 1, 2003, the tax on the Nebraska
 7 taxable estate shall be the greater of the maximum state tax credit
 8 allowance upon the tax imposed under chapter 11 of the Internal
 9 Revenue Code or the amount provided in the following table: The
 10 following table shall be used to determine the tax on the Nebraska
 11 taxable estate:

Nebraska taxable estate					Of Excess Over
At least	But less than	Tax =	+	%	
\$ 0	\$ 40,000	\$ 0		0	\$ 0
40,000	90,000	0		.8	40,000
90,000	140,000	400		1.6	90,000
140,000	240,000	1,200		2.4	140,000
240,000	440,000	3,600		3.2	240,000
440,000	640,000	10,000		4	440,000
640,000	840,000	18,000		4.8	640,000
840,000	1,040,000	27,600		5.6	840,000
1,040,000	1,540,000	38,800		6.4	1,040,000
1,540,000	2,040,000	70,800		7.2	1,540,000
2,040,000	2,540,000	106,800		8	2,040,000
2,540,000	3,040,000	146,800		8.8	2,540,000

4	3,040,000	3,540,000	190,800	9.6	3,040,000
5	3,540,000	4,040,000	238,800	10.4	3,540,000
6	4,040,000	5,040,000	290,800	11.2	4,040,000
7	5,040,000	6,040,000	402,800	12	5,040,000
8	6,040,000	7,040,000	522,800	12.8	6,040,000
9	7,040,000	8,040,000	650,800	13.6	7,040,000
10	8,040,000	9,040,000	786,800	14.4	8,040,000
11	9,040,000	10,040,000	930,800	15.2	9,040,000
12	10,040,000		1,082,800	16	10,040,000

(2) For decedents dying on or after October 1, 2003, the following table shall be used to determine the tax on the Nebraska taxable estate:

Nebraska taxable estate					Of Excess Over
At least	But less than	Tax =	+	%	
\$ 0	\$ 100,000	\$ 0		41	\$ 0
100,000	500,000	41,000		6.4	100,000
500,000	1,000,000	66,600		7.2	500,000
1,000,000	1,500,000	102,600		8	1,000,000
1,500,000	2,000,000	142,600		8.8	1,500,000
2,000,000	2,500,000	186,600		9.6	2,000,000
2,500,000	3,000,000	234,600		10.4	2,500,000
3,000,000	4,000,000	286,600		11.2	3,000,000
4,000,000	5,000,000	398,600		12	4,000,000
5,000,000	6,000,000	518,600		12.8	5,000,000
6,000,000	7,000,000	646,600		13.6	6,000,000
7,000,000	8,000,000	782,600		14.4	7,000,000
8,000,000	9,000,000	926,600		15.2	8,000,000
9,000,000		1,078,600		16	9,000,000

~~(2)~~ (3) Taxable generation-skipping transfers shall be taxed at a rate of sixteen percent of the Nebraska taxable transfer.

Sec. 18. Section 77-27,222, Revised Statutes Supplement, 2002, is amended to read:

77-27,222. (1) For purposes of this section:

(a) Accredited means accredited by the National Association for Family Child Care, the National Association for the Education of Young Children, the National School-Age Care Alliance, or a comparable accreditation process approved by the State Department of Education;

(b) Business firm means any business entity, including a corporation, a fiduciary, a sole proprietorship, a partnership, a limited liability company, or a corporation subject to the state income tax imposed by section 77-2715 or 77-2734.02, an insurance company paying premium or related retaliatory taxes in this state pursuant to section 44-150 or 77-908, or a financial institution paying the tax imposed pursuant to sections 77-3801 to 77-3807;

(c) Costs incurred by the business firm in providing child care services for children of employees means the amounts

26 expended by the business firm during the year for improvements to
27 the premises for purposes of making the premises suitable in whole
1 or in part for use as a child care facility, including furnishing
2 the facility with fencing, landscaping, sidewalks, furniture,
3 fixtures, equipment, supplies, and other improvements and materials
4 reasonably required to operate a child care facility and the direct
5 operating costs of staffing, operating, and maintaining a child
6 care facility. The costs include the payroll taxes and employee
7 benefit costs of staffing the child care facility and sales and use
8 taxes on purchases included in the costs of providing child care,
9 but not an allocation of the business firm's general,
10 administrative, and other operating expenses. The costs do not
11 include the acquisition of land or the construction of new
12 buildings. The costs include payments to third parties to
13 reimburse the third parties for amounts expended by them and which
14 would have been costs incurred by the business firm in providing
15 child care services if incurred directly by the business firm or to
16 subsidize the cost of providing child care for the children of
17 employees in such third parties' facilities; and
18 (d) Providing child care services means expending funds
19 to improve, furnish, license, accredit, qualify for accreditation,
20 staff, operate, or subsidize a child care facility licensed by the
21 Department of Health and Human Services Regulation and Licensure
22 which provides child care services to children of employees of the
23 business firm or contracting with a child care facility licensed by
24 the department to provide child care services to children of such
25 employees.

26 (2) Any For taxable years beginning or deemed to begin on
27 or after January 1, 2007, under the Internal Revenue Code of 1986,
1 as amended, any business firm which provides child care services
2 shall be allowed a credit against the individual income tax,
3 corporate income tax, premium or related retaliatory tax, or
4 franchise tax equal to thirty percent of the costs incurred by the
5 business firm in providing child care services for children of
6 employees for each taxable year, up to fifty percent of such
7 business firm's total tax liability. In the case of a sole
8 proprietorship, partnership, or limited liability company which is
9 taxed as a pass-through entity or a corporation which has in effect
10 an election under subchapter S of the Internal Revenue Code, the
11 maximum allowable amount of credit shall be fifty percent of the
12 income tax liability determined as if such business firm had been a
13 corporation subject to the state income tax imposed by section
14 77-2734.02. Such pass-through entities shall allocate the
15 allowable credit among their proprietors, partners, members, or
16 shareholders in the same manner as taxable income is allocated. In
17 the case of a fiduciary, the maximum allowable amount of the credit
18 shall be fifty percent of the income tax liability of the fiduciary
19 computed without any deduction for distributions, and the allowable
20 credit shall be allocated among the fiduciary and its beneficiaries

21 in proportion to the taxable income included by each beneficiary in
22 his or her Nebraska income tax returns. In the case of a
23 corporation which is part of a unitary group as defined in section
24 77-2734.04 and which is included in the combined income tax return
25 of such group, the unitary group shall be the business firm which
26 is providing child care services. Entities which are disregarded
27 for federal income tax purposes shall be disregarded for purposes
1 of defining the business firm which is providing child care
2 services. The credit shall only be used to reduce the tax
3 liabilities of the business firm, or in the case of pass-through
4 entities, the beneficiaries, proprietors, partners, members, or
5 shareholders, for the year in which the costs were incurred. The
6 credit may not be carried forward to the next taxable year. The
7 credit may be taken by the business firm for not more than three
8 taxable years, except that if the child care facility is accredited
9 under section 43-2620 or becomes accredited under section 43-2620
10 during the three-taxable-year period, the credit may be taken for
11 an additional consecutive two taxable years after the end of the
12 third taxable year for which a credit was taken under this section.

13 (3) Costs incurred by the business firm in providing
14 child care services for children of employees shall be reduced by
15 payments received by the business firm from employees. If the
16 business firm provides child care services for the children of
17 employees and also for the children of non-employees, the direct
18 operating costs of staffing, operating, and maintaining the child
19 care facility, including the related payroll taxes, employee
20 benefits, and sales and use taxes, shall be multiplied by a
21 fraction, the numerator of which is the total child hours of care
22 provided to the children of employees and the denominator of which
23 is the total child hours of care provided in the child care
24 facility. Child hour means one hour of care provided for one
25 child. For purposes of calculating child hours, if the business
26 firm does not in the ordinary course of its business compile the
27 actual child hours of care, it may determine the number of child
1 hours based on a reasonable convention if such convention is used
2 consistently for each year that the credit is claimed or the
3 business firm obtains the advance consent of the Tax Commissioner
4 to change the convention. Costs shall be considered incurred in
5 the taxable year in which they are either accruable or are paid in
6 accordance with the business firm's overall income tax method of
7 accounting.

8 (4) A business firm operating a child care facility on
9 January 1, ~~2003~~ 2007, shall only qualify for the two years of tax
10 credits allowed under subsection (2) of this section relating to
11 expenditures by the business firm for direct operating costs if the
12 child care facility is accredited after January 1, ~~2003~~ 2007.

13 (5) A business firm shall not be considered to be
14 providing child care services for purposes of this section unless
15 the child care services are provided to the employees of the firm

16 who qualify under classifications established by the business firm
17 which are found by the Tax Commissioner not to be discriminatory in
18 favor of highly compensated employees. For purposes of this
19 section, highly compensated employee means an employee who was a
20 five-percent owner of the business firm at any time during the year
21 or the preceding year or, for the preceding year, either (a) had
22 compensation from the employer in excess of eighty thousand dollars
23 or (b) was among the highest twenty percent of employees ranked by
24 compensation, whichever results in the smaller group. Whether an
25 employer's classifications are nondiscriminatory shall be
26 determined on the basis of employees' eligibility to place children
27 in the child care facility.

1 (6) No amount paid or incurred by an employer to provide
2 child care assistance to an employee shall qualify for the credit
3 if the amount was paid or incurred pursuant to a salary reduction
4 plan or is not paid for services performed within this state.

5 (7) This section shall only apply to business firms that
6 meet the requirements of this section on or before December 31,
7 ~~2007~~ 2011.

8 (8) If two or more business firms share in the cost of
9 providing child care services for children of such business firms'
10 employees, each business firm shall be allowed a tax credit in
11 proportion to such business firm's share of the total costs.

12 (9) The Department of Revenue and the Department of
13 Insurance shall issue a joint report by December 1, ~~2004~~ 2008, and
14 by each December 1 thereafter for so long as the credit is
15 effective, that provides the following information:

16 (a) The number of business firms qualifying for the
17 credit under this section during taxable years ending on or before
18 the previous December 31;

19 (b) The number and location by county of child care
20 facilities qualifying for the credit under this section during the
21 taxable years ending on or before the previous December 31;

22 (c) The total child-years of child care provided, the
23 range of child-years of child care provided per qualifying
24 business, and the average and median child-years of care provided
25 per qualifying business, sorted in reasonable groupings by maximum
26 enrollment during the year that include a sufficient number of
27 qualifying businesses in each group to maintain the confidentiality

1 of the taxpayers qualifying for the credit;

2 (d) The percentage of costs paid by the employees in each
3 size grouping in subdivision (c) of this subsection;

4 (e) The percentage of such child-years of care provided
5 in accredited facilities in each size grouping in subdivision (c)
6 of this subsection; and

7 (f) The total credits claimed and the total credits
8 allowed in each size grouping in subdivision (c) of this
9 subsection.

10 (10) The Department of Revenue shall develop a form for

11 claiming the credit allowed by this section stating that any
12 business firm seeking a credit under this section must supply the
13 information listed in subsection (9) of this section as a condition
14 for receiving the credit.

15 (11) The Tax Commissioner and Director of Insurance may
16 adopt and promulgate rules and regulations as necessary to carry
17 out this section."

18 2. Renumber the remaining sections and correct internal
19 references and the repealer accordingly."

20 2. Renumber the remaining amendments accordingly.

VISITORS

Visitors to the Chamber were 85 fourth-grade students and teachers from Tara Heights Elementary School, Papillion; 29 fourth-grade students and teachers from Battle Creek; 4 first- through fifth-grade students and teacher from District 35, Osmond; and 12 first- through eighth-grade students, teachers, and sponsors from Springdale Christian School, Scotia.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

ADJOURNMENT

At 6:01 p.m., on a motion by Senator Bourne, the Legislature adjourned until 9:00 a.m., Wednesday, May 7, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 7, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 7, 2003

PRAYER

The prayer was offered by Senator Hudkins.

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 until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 93. Introduced by Kremer, 34; Quandahl, 31.

PURPOSE: The purpose of this study is to examine the need for and the feasibility of statutory and other mechanisms to protect and balance the financial interests of investors, producers, livestock marketing agencies, lenders, and secured parties in livestock sales transactions and livestock feeding ventures.

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

1. That the Agriculture Committee and the Banking Committee of the Legislature shall be designated to conduct a joint 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.

GENERAL FILE

LEGISLATIVE BILL 574A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 759A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 287. Title read. Considered.

The Standing Committee amendment, AM1710, found on page 1593, was considered.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 13 ayes, 8 nays, and 28 not voting.

Senator Foley 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, 0 nays, and 24 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Preister renewed his pending amendment, FA1354, found on page 1656.

Senators Brashear, Bromm, 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 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a record vote on the Preister amendment.

Voting in the affirmative, 27:

Aguilar	Cudaback	Johnson	Preister	Stuthman
Baker	Cunningham	Kremer	Price	Synowiecki
Beutler	Erdman	Louden	Quandahl	Wehrbein
Bourne	Foley	McDonald	Redfield	
Chambers	Friend	Mossey	Schimek	
Combs	Jensen	Pedersen, Dw.	Smith	

Voting in the negative, 8:

Connealy	Janssen	Raikes	Stuhr
Hartnett	Landis	Schrock	Thompson

Present and not voting, 10:

Brown	Engel	Jones	Maxwell	Tyson
Burling	Hudkins	Kruse	Mines	Vrtiska

Excused and not voting, 4:

Brashear	Bromm	Byars	Pederson, D.

The Preister amendment was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 574. Placed on Select File as amended.

(E & R amendment, AM7131, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 440. Placed on Select File as amended.

E & R amendment to LB 440:

AM7132

- 1 1. On page 1, strike beginning with "section" in line 1
- 2 through line 5 and insert "sections 18-2603 and 77-2602, Revised
- 3 Statutes Supplement, 2002; to redefine a term; to change
- 4 allocations from cigarette tax proceeds to the Municipal
- 5 Infrastructure Redevelopment Fund; and to repeal the original
- 6 sections."

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 320A. 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 320, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

AMENDMENT - Print in Journal

Senator McDonald filed the following amendment to LB 754:
AM1681

(Amendments to AM1577)

- 1 1. On page 1, line 7, after "request" insert "and after
- 2 a public hearing".

VISITORS

Visitors to the Chamber were 11 seventh- and eighth-grade students and teacher from St. Paul Lutheran School, West Point; 17 fourth-grade students and teacher from St. Matthew School, Bellevue; 18 fourth-grade students and teacher from St. Mary's School, Bellevue; Senator Tyson's grandson, Will Goldhammer, and 40 fifth-grade students and teachers from Thayer Central School, Hebron; 33 fifth-grade students and teachers from Christ The King School, Omaha; 45 sixth- through eighth-grade students and teachers from Sunrise Elementary School, Columbus; 22 students and teacher from Cambridge; 32 fourth- and fifth-grade students and teachers from Ponca; Joyce and William Cole from Cleveland, Ohio, and Glenn Williams from Las Vegas, Nevada; and Senator Aguilar's grandson and 58 fourth-grade students and teacher from St. Cecillia School, Omaha.

RECESS

At 11:54 a.m., on a motion by Senator Janssen, 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 D. Pederson who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 287. Senators Kremer and Schrock offered the following amendment:

AM1746

- 1 1. On page 5, line 15, strike the new matter.

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

The Kremer-Schrock amendment was adopted with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 26 ayes, 12 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 283. Senator Beutler withdrew his pending motion, found on page 1639, to indefinitely postpone.

Senator Chambers renewed his pending amendment, FA1350, found on page 1643.

SPEAKER BROMM PRESIDING

Senators Cudaback and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to be excused. 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 record vote on his amendment.

Voting in the affirmative, 15:

Burling	Foley	Jones	Louden	Thompson
Byars	Jensen	Kremer	Preister	Vrtiska
Chambers	Johnson	Kruse	Schimek	Wehrbein

Voting in the negative, 27:

Aguilar	Cunningham	Janssen	Quandahl	Stuthman
Beutler	Engel	Landis	Raikes	Synowiecki
Bourne	Erdman	McDonald	Redfield	Tyson
Bromm	Friend	Mines	Schrock	
Combs	Hartnett	Mossey	Smith	
Connealy	Hudkins	Price	Stuhr	

Present and not voting, 4:

Baker Brashear Brown Maxwell

Excused and not voting, 3:

Cudaback Pedersen, Dw. Pederson, D.

The Chambers amendment lost with 15 ayes, 27 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA1351, found on page 1644.

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

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Jensen

Voting in the negative, 36:

Aguilar	Combs	Janssen	Quandahl	Synowiecki
Baker	Connealy	Kremer	Raikes	Thompson
Beutler	Cunningham	Kruse	Redfield	Tyson
Bourne	Engel	Landis	Schimek	Wehrbein
Brashear	Erdman	Mines	Schrock	
Bromm	Foley	Mossey	Smith	
Burling	Friend	Preister	Stuhr	
Byars	Hudkins	Price	Stuthman	

Present and not voting, 10:

Brown	Cudaback	Johnson	Louden	McDonald
Chambers	Hartnett	Jones	Maxwell	Vrtiska

Excused and not voting, 2:

Pedersen, Dw. Pederson, D.

The Chambers amendment lost with 1 aye, 36 nays, 10 present and not voting, and 2 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 285A. 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 285, Ninety-eighth Legislature, First Session, 2003.

AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 655:
AM1506

(Amendments to Standing Committee amendments, AM1201)

- 1 1. Insert the following new sections:
- 2 "Section 1. For purposes of sections 1 to 4 of this act,
- 3 nonconsensual common-law lien means a document that purports to
- 4 assert a lien against real or personal property of any person or
- 5 entity and:
- 6 (1) Is not expressly provided for by a specific state or
- 7 federal statute;
- 8 (2) Does not depend on the consent of the owner of the
- 9 real or personal property affected; and
- 10 (3) Is not an equitable or constructive lien imposed by a
- 11 state or federal court of competent jurisdiction.
- 12 Sec. 2. Any person who submits for filing or recording
- 13 to the Secretary of State, county clerk, register of deeds, or
- 14 clerk of any court any document purporting to create a
- 15 nonconsensual common-law lien against real or personal property in
- 16 violation of this section or section 76-296 is liable to the person
- 17 or entity against whom the lien is claimed for actual damages plus
- 18 costs and reasonable attorney's fees.
- 19 Sec. 3. The Secretary of State, county clerk, register
- 20 of deeds, or clerk of any court shall refuse to accept for filing
- 21 any nonconsensual common-law lien.
- 22 Sec. 4. Any lien determined to be a nonconsensual
- 23 common-law lien pursuant to any proceeding shall be stricken from
- 1 the record of the Secretary of State, county clerk, register of
- 2 deeds, or clerk of any court upon the issuing of a valid court

3 order from a court of competent jurisdiction. There shall be no
4 filing fee for a court order issued pursuant to this section.

5 Sec. 10. The Revisor of Statutes shall assign sections 1
6 to 4 of this act to Chapter 52."

7 2. Renumber the remaining sections accordingly.

Senator Preister filed the following amendment to LB 65:
AM1768

(Amendments to Standing Committee amendments, AM0271)

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 70-1001.01, Revised Statutes
4 Supplement, 2002 is amended to read:

5 70-1001.01. For the purposes of sections 70-1001 to
6 70-1027 and section 3 of this act, unless the context otherwise
7 requires:

8 (1) Board means the Nebraska Power Review Board;

9 (2) Electric suppliers or suppliers of electricity means
10 any legal entity supplying, producing, or distributing electricity
11 within the state for sale at wholesale or retail;

12 (3) Regional transmission organization means an entity
13 independent from those entities generating or marketing electricity
14 at wholesale or retail, which has operational control over the
15 electric transmission lines in a designated geographic area in
16 order to reduce constraints in the flow of electricity and ensure
17 that all power suppliers have open access to transmission lines for
18 the transmission of electricity;

19 (4) Representative organization means an organization
20 designated by the board and organized for the purpose of providing
21 joint planning and encouraging maximum cooperation and coordination
22 among electric suppliers. Such organization shall represent
23 electric suppliers owning a combined electric generation plant
1 capacity of at least ninety percent of the total electric
2 generation plant capacity constructed and in operation within the
3 state;

4 (5) State means the State of Nebraska; and

5 (6) Unbundled retail rates means the separation of
6 utility bills into the individual price components for which an
7 electric supplier charges its retail customers, including, but not
8 limited to, the separate charges for the generation, transmission,
9 and distribution of electricity.

10 Sec. 2. Section 70-1014, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 70-1014. After hearing, the board shall have authority
13 to approve or deny the application. Before Except as provided in
14 section 3 of this act for special generation applications, before
15 approval of an application, the board shall find that the
16 application will serve the public convenience and necessity, and
17 that the applicant can most economically and feasibly supply the

18 electric service resulting from the proposed construction or
19 acquisition, without unnecessary duplication of facilities or
20 operations.

21 Sec. 3. An application by a municipality, registered
22 group of municipalities, a public power district, a public power
23 and irrigation district, an electric cooperative, an electric
24 membership association, or any other governmental entity for a
25 facility that will generate not more than ten thousand kilowatts of
26 electric energy at rated capacity and will generate electricity
27 using solar, wind, biomass, landfill gas, methane gas, or
1 hydropower generation technology or an emerging generation
2 technology, including, but not limited to, fuel cells and
3 micro-turbines, shall be deemed a special generation application.
4 Such application shall be approved by the board if the board finds
5 that (a) the application qualifies as a special generation
6 application, (b) the application will provide public benefits
7 sufficient to warrant approval of the application, although it may
8 not constitute the most economically feasible generation option,
9 and (c) the application under consideration represents a separate
10 and distinct project from any previous special generation
11 application the applicant may have filed.

12 Sec. 4. Original section 70-1014, Reissue Revised
13 Statutes of Nebraska, and section 79-1001.01, Revised Statutes
14 Supplement, 2002, are repealed."

Senator Landis filed the following amendment to LB 759:
(Amendment, AM1745, is printed separately and available in the Bill Room,
Room 1104.)

Senator Quandahl filed the following amendment to LB 287:
AM1735

- 1 1. On page 5, line 15, after the period insert "The Tax
2 Commissioner shall adopt and promulgate rules and regulations to
3 carry out the changes made to this subdivision by this legislative
4 bill and shall hold a hearing on such rules and regulations."

GENERAL FILE

LEGISLATIVE BILL 283. Senator Chambers offered the following motion:

Reconsider the vote on FA1351.

Senators Baker and Burling asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

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 motion to reconsider.

Voting in the affirmative, 3:

Brown	Chambers	Jensen

Voting in the negative, 39:

Aguilar	Cunningham	Jones	Preister	Stuhr
Beutler	Engel	Kremer	Price	Stuthman
Bourne	Erdman	Kruse	Quandahl	Synowiecki
Brashear	Foley	Landis	Raikes	Thompson
Bromm	Friend	Louden	Redfield	Tyson
Byars	Hudkins	McDonald	Schimek	Vrtiska
Combs	Janssen	Mines	Schrock	Wehrbein
Connealy	Johnson	Mossey	Smith	

Present and not voting, 3:

Cudaback	Hartnett	Maxwell

Excused and not voting, 4:

Baker	Burling	Pedersen, Dw. Pederson, D.

The Chambers motion to reconsider failed with 3 ayes, 39 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

LEGISLATIVE BILL 598. Title read. Considered.

The Standing Committee amendment, AM0783, found on page 1203, was considered.

SENATOR CUDABACK PRESIDING

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 285. Placed on Select File as amended.

E & R amendment to LB 285:

AM7134

- 1 1. On page 1, strike lines 2 through 4 and insert
- 2 "77-27,132, Reissue Revised Statutes of Nebraska, and sections
- 3 77-2602, 77-2608, 77-2701.02, 77-2715.02, and 77-4008, Revised
- 4 Statutes Supplement, 2002; to change cigarette tax, sales and use
- 5 tax, income tax, and tobacco products tax provisions; to provide an
- 6 operative date; and to repeal the original sections."

LEGISLATIVE BILL 320. Placed on Select File as amended.

E & R amendment to LB 320:

AM7135

- 1 1. In the Brashear amendment, AM1720:
- 2 a. On page 1, line 12, strike "Judges' Retirement Fund"
- 3 and insert "fund";
- 4 b. On page 3, line 17, strike "contribution" and insert
- 5 "monthly compensation"; and
- 6 c. On page 10, line 16, reinstate the stricken matter;
- 7 and in line 17 strike the comma.
- 8 2. On page 1, strike beginning with "section" in line 1
- 9 through "section" in line 4 and insert "sections 24-701.01, 24-703,
- 10 24-708, and 24-710, Revised Statutes Supplement, 2002; to provide
- 11 for benefits for a surviving spouse; to change contribution rates
- 12 and court fees; to change provisions relating to the age of
- 13 retirement and retirement annuities; to harmonize provisions; to
- 14 repeal the original sections".

LEGISLATIVE BILL 574A. Placed on Select File.

LEGISLATIVE BILL 759A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Kruse filed the following amendment to LB 208:

(Amendment, AM1774, is printed separately and available in the Bill Room, Room 1104.)

Senator Synowiecki filed the following amendment to LB 208:

AM1777

(Amendments to AM1774)

- 1 1. On page 2, line 11, after "and" insert "one hundred
- 2 dollars to".
- 3 2. On page 47, line 5, after "a" insert
- 4 "one-hundred-dollar to".

Senator McDonald filed the following amendments to LB 754:
AM1794

(Amendments to AM1577)

- 1 1. On page 1, line 9, strike "in a timely manner" and
- 2 insert "within thirty-five days after the final public hearing on
- 3 the application".

AM1791

(Amendments to AM1577)

- 1 1. On page 1, lines 10 and 11, strike "the submission
- 2 of" and insert "any".

AM1788

(Amendments to AM1577)

- 1 1. On page 1, line 20, strike "substantial" and insert
- 2 "significant"; strike beginning with "upon" in line 21 through
- 3 "based" in line 22; and in line 22 strike ", or will meet,".

AM1790

(Amendments to AM1577)

- 1 1. On page 1, line 15, strike "reasonable" and insert
- 2 "all".

AM1793

(Amendments to AM1577)

- 1 1. On page 1, line 9, after "manner" insert "following
- 2 public hearings on the application for a conditional use permit or
- 3 special exception".

AM1792

(Amendments to AM1577)

- 1 1. On page 1, line 14, strike the comma and insert "at a
- 2 public hearing on the application and".

AM1789

(Amendments to AM1577)

- 1 1. On page 1, line 19, strike "only" and "final".

AM1787

(Amendments to AM1577)

- 1 1. On page 1, lines 3, 8, 14, 16, 18, 19, 21, and 23,
- 2 strike "final".

AM1786

(Amendments to E & R amendments, AM7099)

- 1 1. On page 6, line 2, strike the new matter.

Senator Foley filed the following amendment to LB 208:
AM1776

(Amendments to AM1774)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 28-394, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 28-394. (1) A person who causes the death of an unborn
- 5 child unintentionally while engaged in the operation of a motor
- 6 vehicle in violation of the law of the State of Nebraska or in
- 7 violation of any city or village ordinance commits motor vehicle
- 8 homicide of an unborn child.
- 9 (2) Except as provided in subsection (3) of this section,
- 10 motor vehicle homicide of an unborn child is a Class I misdemeanor.
- 11 (3)(a) If the proximate cause of the death of an unborn
- 12 child is the operation of a motor vehicle in violation of section
- 13 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is
- 14 a Class ~~IV~~ IIIA felony.
- 15 (b) Except as provided in subdivision (3)(c) of this
- 16 section, if the proximate cause of the death of an unborn child is
- 17 the operation of a motor vehicle in violation of section 60-6,196,
- 18 motor vehicle homicide of an unborn child is a Class ~~IV~~ IIIA felony
- 19 and the court shall, as part of the judgment of conviction, order
- 20 the person not to drive any motor vehicle for any purpose for a
- 21 period of at least ~~sixty days~~ one year and not more than fifteen
- 22 years after the date ordered by the court and shall order that the
- 23 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 (c) If the proximate cause of the death of an unborn
- 4 child is the operation of a motor vehicle in violation of section
- 5 60-6,196 and the defendant has a prior conviction under for a
- 6 violation of such section, under a city or village ordinance
- 7 enacted in conformance with such section, or under a law of another
- 8 state if, at the time of the conviction under the law of such other
- 9 state, the offense for which the defendant was convicted would have
- 10 been a violation of section 60-6,196, or a city or village
- 11 ordinance enacted pursuant to such section, motor vehicle homicide
- 12 of an unborn child is a Class III felony and the court shall, as
- 13 part of the judgment of conviction, order the person not to drive
- 14 any motor vehicle for any purpose for a period of at least ~~sixty~~
- 15 ~~days~~ one year and not more than fifteen years after the date
- 16 ordered by the court and shall order that the operator's license of
- 17 such person be revoked for the same period. ~~The revocation shall~~
- 18 ~~not run concurrently with any jail term imposed."~~.
- 19 2. Renumber the remaining sections and correct internal
- 20 references and the repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 540. E & R amendment, AM7116, found on page 1495, was adopted.

Senator Bourne renewed his pending amendment, AM1616, found on page 1584.

Senators Friend and Preister asked unanimous consent to be excused. No objections. So ordered.

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

SPEAKER BROMM PRESIDING

Senator Raikes 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 Bourne amendment lost with 8 ayes, 28 nays, 8 present and not voting, and 5 excused and not voting.

Senator Synowiecki asked unanimous consent to be excused. No objections. So ordered.

Pending.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 379. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 574:
AM1775

(Amendments to E & R amendments, AM7131)

- 1 1. On page 26, line 12, after "systems" insert "or the
2 Nebraska educational savings plan trust".
- 3 2. On page 28, line 7, after the stricken matter insert
- 4 "Community Scholarship Foundation Program Act and the".

Senator Raikes filed the following amendment to LB 249:
AM1779

(Amendments to E & R amendments, AM7115)

- 1 1. On page 6, line 12, strike "materials required for
2 course projects", show as stricken, and insert "fees required for
3 parking".

Senator Bromm filed the following amendment to LB 759:
AM1783

(Amendments to E & R amendments, AM7114)

- 1 1. On page 3, line 17, strike "sixty-four", show as
2 stricken, and insert "sixty-seven"; in line 24 insert paragraphing
3 and "(2)" after the period; and strike beginning with "less" in
4 line 26 through "tax" in line 27 and show as stricken.
5 2. On page 4, strike beginning with "and" in line 1
6 through line 4 and show the old matter as stricken; in line 6 after
7 the period insert "The State Treasurer shall reduce the amount
8 placed in the General Fund under this subsection by the amount
9 prescribed in subdivision (3)(d) of this section."; and in line 10
10 after the period insert paragraphing and "(3)".
11 3. On page 5, strike beginning with "until" in line 25
12 through line 27 and show as stricken.
13 4. On page 6, strike beginning with "the" in line 1
14 through the first comma in line 9 and show as stricken; in line 16
15 strike "(f) Sixth", show as stricken, and insert "(e) Fifth"; in
16 line 19 strike "(g) Seventh", show as stricken, and insert "(f)
17 Sixth"; in line 23 strike "this subsection", show as stricken, and
18 insert "subsection (2) of this section"; and in line 26 strike "(h)
19 Eighth", show as stricken, and insert "(g) Seventh".
20 5. On page 7, line 4, strike "this subsection", show as
21 stricken, and insert "subsection (2) of this section"; in line 6
22 strike "and" and show as stricken; in line 7 strike "(i) Ninth",
23 show as stricken, and insert "(h) Eighth"; in line 10 before the
1 period insert "; and
2 (i) Ninth, beginning October 1, 2003, the State Treasurer
3 shall place the equivalent of three cents of such tax in the
4 Tobacco Prevention and Control Cash Fund.
5 (4) If, after distributing the proceeds of such tax
6 pursuant to subsections (2) and (3) of this section, any proceeds
7 of such tax remain, the State Treasurer shall place such remainder
8 in the Nebraska Capital Construction Fund"; and in line 11 strike
9 "(2)", show as stricken, and insert "(5)".

SELECT FILE

LEGISLATIVE BILL 540. Senator Mines renewed the Mines et al.
pending amendment, AM1660, found on page 1584.

Senator Redfield requested a ruling of the Chair on whether the Mines et al.
amendment would require a three-fifths majority vote, pursuant to Rule 6,
Section 3(h).

The Chair ruled that the Mines et al. amendment is substantially the same as LB 462 and LB 520, which were indefinitely postponed by the Revenue Committee, and would, therefore, require 30 votes.

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

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

Senator Mines requested a roll call vote on the Mines et al. amendment.

Voting in the affirmative, 22:

Aguilar	Cudaback	Jones	Price	Tyson
Beutler	Cunningham	Kremer	Schimek	Wehrbein
Bourne	Hartnett	Kruse	Schrock	
Burling	Janssen	McDonald	Stuthman	
Byars	Johnson	Mines	Thompson	

Voting in the negative, 11:

Bromm	Engel	Louden	Redfield
Combs	Hudkins	Quandahl	Smith
Connealy	Jensen	Raikes	

Present and not voting, 10:

Baker	Brown	Erdman	Maxwell	Stuhr
Brashear	Chambers	Foley	Mossey	Vrtiska

Excused and not voting, 6:

Friend	Pedersen, Dw.	Preister
Landis	Pederson, D.	Synowiecki

The Mines et al. amendment lost with 22 ayes, 11 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Mossey and Stuthman asked unanimous consent to be excused. No objections. So ordered.

Senator Bourne withdrew the Bourne et al. pending amendment, AM1717,

found on page 1641.

Senator Jensen offered the following amendment:

AM1758

(Amendments to Standing Committee amendments, AM1287)

1. Insert the following new sections:
- "Sec. 4. Section 79-1001, Revised Statutes Supplement, 2002, is amended to read:
- 79-1001. Sections 79-1001 to 79-1033 and section 5 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.
- Sec. 5. Beginning with school fiscal year 2004-05, in order for the school districts within a county to be eligible for state aid pursuant to the Tax Equity and Educational Opportunities Support Act, the county is limited to the number of school administrations provided in the following table:

<u>County Population</u>	<u>Number of school administrations</u>
<u>0-1,000</u>	<u>1</u>
<u>1,001-5,000</u>	<u>2</u>
<u>5,001-10,000</u>	<u>4</u>
<u>10,001-20,000</u>	<u>6</u>
<u>20,001-or more</u>	<u>8</u>

- For purposes of this section, school administration means one superintendent, one principal per school building, necessary support staff, and any other persons approved by the school board. A school administration which is shared by two or more school districts within a county pursuant to an agreement under the Interlocal Cooperation Act or the Joint Public Agency Act is deemed one school administration."
2. In the E & R amendments, AM7116, on page 10, line 19, after the last comma insert "79-1001,".
3. Renumber the remaining sections accordingly.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Jensen withdrew his amendment.

Pending.

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 210:
AM1804

(Amendments to Final Reading copy)

1. On page 2, line 23, strike "during any thirteen-week period" and insert "for thirteen calendar weeks"; in line 24 after

3 the period insert "The act shall apply to an employer thirty days
 4 after the thirteenth such week."; and in line 28 strike beginning
 5 with "The" through "after".
 6 2. On page 3, strike line 1; in line 2 strike
 7 "section."; strike lines 6 through 17 and insert:
 8 "(5) If an employer to whom the act applies because the
 9 employer meets the requirements of subdivision (2)(d) of this
 10 section subsequently does not employ ten or more unrelated,
 11 full-time employees, such employer shall continue to provide
 12 workers' compensation insurance coverage for the employees for the
 13 remainder of the calendar year and for the next full calendar year.
 14 When the required coverage period has expired, such employer may
 15 elect to return to exempt status by (a) posting, continuously in a
 16 conspicuous place at the employment locations of the employees for
 17 a period of at least ninety days, a written or printed notice
 18 stating that the employer will no longer carry workers'
 19 compensation insurance for the employees and the date such
 20 insurance will cease and (b) thereafter no longer carrying a policy
 21 of workers' compensation insurance. Failure to provide notice in
 22 accordance with this subsection voids an employer's attempt to
 23 return to exempt status."; and in line 18 after "act" insert "under
 1 subsection (2) of this section".
 2 3. On page 4, strike beginning with "meeting" in line 2
 3 through line 3; in line 8 strike ", and (c)" and insert "and (b)";
 4 and in lines 12 and 13 strike "(2)(b), (2)(c)," and insert
 5 "(2)(c)".

ANNOUNCEMENT

Senator Wehrbein announced the Appropriations Committee will meet tomorrow upon adjournment.

VISITORS

Visitors to the Chamber were 20 members and teacher from the Waverly High School Leadership Academy; 41 third-grade students and teachers from St. Paul; 22 fourth-grade students, teacher, and sponsors from Republican Valley Schools, Indianola; and 39 eighth-grade students and teachers from Holt County Rural School, O'Neill.

The Doctor of the Day was Dr. James White from Omaha.

ADJOURNMENT

At 7:34 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, May 8, 2003.

Patrick J. O'Donnell
 Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 8, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 8, 2003

PRAYER

The prayer was offered by Pastor James Miller, Milford United Methodist Church, Milford, 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, Landis, McDonald, D. Pederson, Synowiecki, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

REPORTS

The following report was received by the Legislature:

Policy Research Office, Governor's

Municipal Natural Gas Regulation Revolving Loan Fund for the quarter ending March 31, 2003

MOTION - Approve Appointments

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointments found on page 1640:

Nebraska Educational Telecommunications Commission

Randall G. Bretz

William Griffin

John Heil

J. Paul McIntosh

Ann Pickel

Board of Educational Lands and Funds
Robert Martin

Voting in the affirmative, 32:

Baker	Cunningham	Johnson	Price	Stuhr
Bourne	Engel	Jones	Quandahl	Stuthman
Byars	Friend	Kremer	Raikes	Vrtiska
Chambers	Hartnett	Maxwell	Redfield	Wehrbein
Combs	Hudkins	Mines	Schimek	
Connealy	Janssen	Mossey	Schrock	
Cudaback	Jensen	Pedersen, Dw.	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Aguilar	Burling	Foley	Louden	Thompson
Beutler	Erdman	Kruse	Preister	

Excused and not voting, 8:

Brashear	Brown	McDonald	Synowiecki
Bromm	Landis	Pederson, D.	Tyson

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 320A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 285A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 156. E & R amendment, AM7117, found on page 1517, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 540. Senators Bourne, Byars, Maxwell, Connealy, and Schimek offered the following amendment:

AM1757

(Amendments to Standing Committee amendments, AM1287)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 79-1007.02, Revised Statutes
- 3 Supplement, 2002, as amended by section 11, Legislative Bill 67,
- 4 Ninety-eighth Legislature, First Session, 2003, is amended to read
- 5 as follows:
- 6 79-1007.02. For state aid calculated for school fiscal
- 7 year 1998-99 and each school fiscal year thereafter:
- 8 (1) Using data from the annual financial reports for the
- 9 second school fiscal year immediately preceding the school fiscal
- 10 year in which aid is to be paid, the annual statistical summary
- 11 reports for the school fiscal year immediately preceding the school
- 12 fiscal year in which aid is to be paid, the fall membership reports
- 13 and supplements thereto for the school fiscal year immediately
- 14 preceding the school fiscal year in which aid is to be paid, and
- 15 the school district census as reported under sections 79-524 and
- 16 79-578 for the second school fiscal year preceding the school
- 17 fiscal year in which aid is to be paid, the department shall divide
- 18 the local systems into three cost groupings prior to the
- 19 certification of state aid based upon the following criteria:
- 20 (a) The very sparse cost grouping will consist of local
- 21 systems that have (i)(A) less than one-half student per square mile
- 22 in each county in which each high school attendance center is
- 23 located, based on the school district census, (B) less than one
- 1 formula student per square mile in the local system, and (C) more
- 2 than fifteen miles between the high school attendance center and
- 3 the next closest high school attendance center on paved roads or
- 4 (ii)(A) more than four hundred fifty square miles in the local
- 5 system, (B) less than one-half student per square mile in the local
- 6 system, and (C) more than fifteen miles between each high school
- 7 attendance center and the next closest high school attendance
- 8 center on paved roads;
- 9 (b) The sparse cost grouping will consist of local
- 10 systems that do not qualify for the very sparse cost grouping but
- 11 which meet the following criteria:
- 12 (i)(A) Less than two students per square mile in the
- 13 county in which each high school is located, based on the school
- 14 district census, (B) less than one formula student per square mile
- 15 in the local system, and (C) more than ten miles between each high
- 16 school attendance center and the next closest high school
- 17 attendance center on paved roads;
- 18 (ii)(A) Less than one and one-half formula students per
- 19 square mile in the local system and (B) more than fifteen miles
- 20 between each high school attendance center and the next closest
- 21 high school attendance center on paved roads;
- 22 (iii)(A) Less than one and one-half formula students per
- 23 square mile in the local system and (B) more than two hundred
- 24 seventy-five square miles in the local system; or

25 (iv)(A) Less than two formula students per square mile in
26 the local system and (B) the local system includes an area equal to
27 ninety-five percent or more of the square miles in the largest
1 county in which a high school attendance center is located in the
2 local system; and
3 (c) The standard cost grouping will consist of local
4 systems that do not qualify for the very sparse or the sparse cost
5 groupings.
6 For purposes of subdivision (1) of this section, if a
7 local system did not operate and offer instruction in grades nine
8 through twelve within the boundaries of the local system during the
9 school fiscal year immediately preceding the school fiscal year in
10 which aid is to be paid, the local system shall not be considered
11 to have a high school attendance center;
12 (2) The department shall calculate the average formula
13 cost per student in each cost grouping by dividing the total
14 estimated general fund operating expenditures for the cost grouping
15 by the total adjusted formula students for all local systems in the
16 cost grouping. For the calculation of state aid for school fiscal
17 year 1999-00 and for each school fiscal year thereafter, the
18 average formula cost per student in each cost grouping shall not be
19 recalculated for the final calculation of state aid pursuant to
20 section 79-1065. The calculation of total adjusted formula
21 students for purposes of this subdivision shall take into account
22 the requirements of subsection (2) of section 79-1007.01. The
23 total estimated general fund operating expenditures for the cost
24 grouping is equal to the total adjusted general fund operating
25 expenditures for all local systems in the cost grouping multiplied
26 by a cost growth factor. ~~The~~ For all school fiscal years except
27 2005-06, the cost growth factor for each cost grouping is equal to
1 the sum of: (a) One; plus (b) the product of two times the ratio
2 of the difference between the formula students attributable to the
3 cost grouping without weighting or adjustment pursuant to section
4 79-1007.01 and the sum of the average daily membership plus
5 tuitioned students attributable to the cost grouping for the most
6 recently available complete data year divided by the sum of the
7 average daily membership plus tuitioned students attributable to
8 the cost grouping for the most recently available complete data
9 year, except that the ratio shall not be less than zero; plus (c)
10 the basic allowable growth rate pursuant to section 79-1025 for the
11 school fiscal year in which the aid is to be distributed; plus (d)
12 the basic allowable growth rate pursuant to section 79-1025 for the
13 school fiscal year immediately preceding the school fiscal year in
14 which the aid is to be distributed; plus (e) one-half of any
15 additional growth rate allowed by special action of school boards
16 for the school fiscal year in which the aid is to be distributed as
17 determined for the school fiscal year immediately preceding the
18 school fiscal year when aid is to be distributed; plus (f) one-half
19 of any additional growth rate allowed by special action of the

20 school boards for the school fiscal year immediately preceding the
 21 school fiscal year when the aid is to be distributed. For school
 22 fiscal year 2005-06, the cost growth factor for each cost grouping
 23 is equal to the sum of: (a) One; plus (b) the product of two times
 24 the ratio of the difference between the formula students
 25 attributable to the cost grouping without weighting or adjustment
 26 pursuant to section 79-1007.01 and the sum of the average daily
 27 membership plus tuitioned students attributable to the cost grouping
 1 for the most recently available complete data year divided by the
 2 sum of the average daily membership plus tuitioned students
 3 attributable to the cost grouping for the most recently available
 4 complete data year, except that the ratio shall not be less than
 5 zero; plus (c) two times the basic allowable growth rate pursuant
 6 to section 79-1025 for school fiscal year 2005-06; plus (d) any
 7 additional growth rate allowed by special action of the school
 8 boards for school fiscal year 2005-06;

9 (3) For all school fiscal years except school fiscal
 10 years 2002-03, 2003-04, or 2004-05, each local system's formula
 11 need will be equal to the local system's transportation allowance
 12 plus the local system's special receipts allowance plus the product
 13 of the local system's adjusted formula students multiplied by the
 14 average formula cost per student in the local system's cost
 15 grouping. The calculation of total adjusted formula students for
 16 purposes of this subdivision shall take into account the
 17 requirements of subsection (2) of section 79-1007.01; and
 18 (4) For school fiscal years 2002-03, 2003-04, or 2004-05,
 19 each local system's formula need shall be calculated by subtracting
 20 the temporary aid adjustment factor from the sum of the local
 21 system's transportation allowance, the local system's special
 22 receipts allowance, and the product of the local system's adjusted
 23 formula students multiplied by the average formula cost per student
 24 in the local system's cost grouping. The calculation of total
 25 adjusted formula students for purposes of this subdivision shall
 26 take into account the requirements of subsection (2) of section
 27 79-1007.01".

- 1 2. Amend the repealer, renumber the remaining sections,
- 2 and correct internal references accordingly.

Senator Bourne moved for a call of the house. The motion prevailed with 33
 ayes, 0 nays, and 16 not voting.

Senator Bourne requested a roll call vote on the Bourne et al. amendment.

Voting in the affirmative, 18:

Bourne	Connealy	Hartnett	Mines	Stuthman
Byars	Cudaback	Kruse	Preister	Synowiecki
Chambers	Cunningham	Louden	Quandahl	
Combs	Erdman	Maxwell	Schimek	

Voting in the negative, 26:

Aguilar	Foley	Landis	Redfield	Vrtiska
Baker	Friend	McDonald	Schrock	Wehrbein
Brashear	Hudkins	Pedersen, Dw.	Smith	
Bromm	Jensen	Pederson, D.	Stuhr	
Burling	Jones	Price	Thompson	
Engel	Kremer	Raikes	Tyson	

Present and not voting, 4:

Beutler	Janssen	Johnson	Mossey

Excused and not voting, 1:

Brown

The Bourne et al. amendment lost with 18 ayes, 26 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Foley requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 287. Placed on Select File as amended.

E & R amendment to LB 287:

AM7136

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2702.07, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 77-2702.07. (1) Gross receipts shall mean the total
- 6 amount of the sale or lease or rental price, as the case may be, of
- 7 the retail sales of retailers valued in money whether received in
- 8 money or otherwise, without any deduction on account of any of the
- 9 following:
- 10 (a) The cost of property sold. In accordance with rules
- 11 and regulations adopted and promulgated by the Tax Commissioner, a
- 12 deduction may be taken if the retailer has purchased property for
- 13 some purpose other than resale, has reimbursed his or her vendor
- 14 for tax which the vendor is required to pay to the state or has
- 15 paid the use tax with respect to the property, and has resold the

16 property prior to making any use of the property other than
17 retention, demonstration, or display while holding it for sale in
18 the regular course of business. If such a deduction is taken by
19 the retailer, no refund or credit will be allowed to his or her
20 vendor with respect to the sale of the property;

21 (b) The cost of the materials used, labor or service
22 costs, interest paid, losses, or any other expense;

23 (c) The cost of transportation of the property;

24 (d) The amount of any excise or property tax levied
1 against the property except as otherwise provided in the Nebraska
2 Revenue Act of 1967; or

3 (e) The amount charged for warranties, guarantees, or
4 maintenance agreements.

5 (2) Gross receipts of every person engaged as a public
6 utility specified in this subsection or as a community antenna
7 television service operator or any person involved in connecting
8 and installing services defined in subdivision (2)(a), (b), or (d)
9 of this section shall mean:

10 (a) In the furnishing of telephone communication service,
11 other than mobile telecommunications service as described in
12 section 77-2706.02, the gross income received from furnishing local
13 exchange telephone service and intrastate message toll telephone
14 service. In the furnishing of mobile telecommunications service as
15 described in section 77-2706.02, the gross income received from
16 furnishing mobile telecommunications service that originates and
17 terminates in the same state to a customer with a place of primary
18 use in Nebraska. Gross receipts shall not mean (i) the gross
19 income, including division of revenue, settlements, or carrier
20 access charges received on or after January 1, 1984, from the sale
21 of a telephone communication service to a communication service
22 provider for purposes of furnishing telephone communication service
23 or (ii) the gross income attributable to services rendered using a
24 prepaid telephone calling arrangement. For purposes of this
25 subdivision, a prepaid telephone calling arrangement shall mean the
26 right to exclusively purchase telecommunications service that are
27 paid for in advance that enables the origination of calls using an
1 access number or authorization code, whether manually or
2 electronically dialed;

3 (b) In the furnishing of telegraph service, the gross
4 income received from the furnishing of intrastate telegraph
5 services;

6 (c) In the furnishing of gas, electricity, sewer, and
7 water service except water used for irrigation of agricultural
8 lands and manufacturing purposes, the gross income received from
9 the furnishing of such services upon billings or statements
10 rendered to consumers for such utility services; and

11 (d) In the furnishing of community antenna television
12 service, the gross income received from the furnishing of such
13 community antenna television service as regulated under sections

14 18-2201 to 18-2205 or 23-383 to 23-388.

15 Gross receipts shall also mean gross income received from
16 the provision, installation, construction, servicing, or removal of
17 property used in conjunction with the furnishing, installing, or
18 connecting of any public utility services specified in subdivision
19 (2)(a) or (b) of this section or community antenna television
20 service specified in subdivision (2)(d) of this section. Gross
21 receipts shall not mean gross income received from telephone
22 directory advertising.

23 (3) Gross receipts of every person engaged in selling,
24 leasing, or otherwise providing intellectual or entertainment
25 property shall mean:

26 (a) In the furnishing of computer software, the gross
27 income received, including the charges for coding, punching, or
1 otherwise producing computer software and the charges for the
2 tapes, disks, punched cards, or other properties furnished by the
3 seller; and

4 (b) In the furnishing of videotapes, movie film,
5 satellite programming, satellite programming service, and satellite
6 television signal descrambling or decoding devices, the gross
7 income received from the license, franchise, or other method
8 establishing the charge except the gross income received from
9 videotape and film rentals, satellite programming, and satellite
10 programming service when the sales tax or the admission tax is
11 charged under the Nebraska Revenue Act of 1967 and except as
12 provided in section 77-2704.39.

13 (4) ~~Commencing October 1, 2002, gross~~ Gross receipts for
14 providing a service shall mean:

15 (a) The gross income received for building cleaning and
16 maintenance, pest control, and security;

17 (b) The gross income received for motor vehicle washing,
18 waxing, towing, and painting;

19 (c) The gross income received for computer software
20 training; and

21 (d) The gross income received for installing and applying
22 and repairing tangible personal property, excluding motor vehicles,
23 if the sale of the property is subject to tax.

24 (5) Gross receipts shall not include any of the
25 following:

26 (a) Cash discounts allowed and taken on sales;

27 (b) The amount of any rebate granted by a motor vehicle
1 or motorboat manufacturer or dealer at the time of sale of the
2 motor vehicle or motorboat, which rebate functions as a discount
3 from the sales price of the motor vehicle or motorboat;

4 (c) Sales price of property or services returned or
5 rejected by customers when the full sales price is refunded either
6 in cash or credit;

7 (d) The amount charged for finance charges, carrying
8 charges, service charges, or interest from credit extended on sales

9 of property or services under contracts providing for deferred
10 payments of the purchase price if such charges are not used as a
11 means of avoiding imposition of the tax upon the actual sales price
12 of the property or services;

13 (e) The value of property taken by a seller in trade as
14 all or a part of the consideration for a sale of property of any
15 kind or nature;

16 (f) The value of a motor vehicle or motorboat taken by
17 any person in trade as all or a part of the consideration for a
18 sale of another motor vehicle or motorboat; or

19 (g) Receipts from conditional sale contracts, installment
20 sale contracts, rentals, and leases executed in writing prior to
21 June 1, 1967, and with delivery of the property prior to June 1,
22 1967, if such conditional sale contracts, installment sale
23 contracts, rentals, or leases are for a fixed price and are not
24 subject to negotiation or alteration. ~~;~~ ~~or~~

25 ~~(h) Except as provided in subsection (2) of this section,~~
26 ~~until October 1, 2002, the amount charged for labor or services~~
27 ~~rendered in installing or applying the property sold if such amount~~
1 ~~is separately stated and such separate statement is not used as a~~
2 ~~means of avoiding imposition of the tax upon the actual sales price~~
3 ~~of the property.~~

4 Sec. 2. This act becomes operative on October 1, 2003.

5 Sec. 3. Original section 77-2702.07, Revised Statutes
6 Supplement, 2002, is repealed."

7 2. On page 1, strike lines 2 through 5 and insert
8 "77-2702.07, Revised Statutes Supplement, 2002; to provide for
9 sales tax on repair services as prescribed; to eliminate obsolete
10 provisions; to provide an operative date; and to repeal the
11 original section."

LEGISLATIVE BILL 598. Placed on Select File as amended.

E & R amendment to LB 598:

AM7137

1 1. On page 1, strike beginning with "a" in line 1
2 through line 2 and insert "submission to the electors of an
3 amendment to the Constitution of Nebraska to repeal Article III,
4 section 12, to eliminate term limits for state legislators; and to
5 provide for the time and manner of submission and form of ballot."

(Signed) Ray Mossey, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion # 03011

DATE: May 7, 2003

SUBJECT: LB 762; Disposition Of Fines And Penalties Levied Under The Nebraska Campaign Finance Limitation Act Under Art. VII, § 5 Of The Nebraska Constitution.

REQUESTED BY: Senator Kermit A. Brashear
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

LB 762 would repeal the Nebraska Campaign Finance Limitation Act, Neb. Rev. Stat. §§ 32-1601 through 32-1614 (1998, Cum. Supp. 2002) (the "Act"). That bill also provides that any monies left in the Campaign Finance Limitation Cash Fund ("CFLA Cash Fund") upon repeal of the Act would be placed in the Nebraska Accountability and Disclosure Cash Fund. LB 762, § 11. From your opinion request letter, we understand that monies in the CFLA Cash Fund come from four sources: (1) late fees and penalties, (2) income tax "checkoff funds," (3) private donations, and (4) an initial General Fund appropriation from the Legislature.

You state that you propose to offer an amendment to LB 762 which would require that any monies remaining in the CFLA Cash Fund attributable to late filing fees, civil penalties and the interest thereon be disposed of in accordance with art. VII, § 5 of the Nebraska Constitution. That proposed amendment would also provide that any monies in the CFLA Cash Fund not attributable to late fees and penalties would be transferred to the Nebraska Accountability and Disclosure Cash Fund. In that context, you first ask us, "[i]s the introduced version of LB 762 constitutional, or would the proposed amendment to dispose of the money in accordance with Art. VII, § 5 be required in order to comply with the State Constitution?"

Article VII, § 5 of the Nebraska Constitution provides, as is pertinent here:

Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of the state, . . . shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, . . .

We have discussed art. VII, § 5 in previous opinions of this office, and we will quote at length from our Op. Att'y Gen. No. 93038 (May 14, 1993), because the analysis there is directly pertinent to your first question:

Several decisions by the Nebraska Supreme Court have set out rules for the application of Article VII, Section 5. This constitutional provision is self-executing, and punitive assessments such as fines and penalties under penal statutes together with license monies must be used for the schools. *School District of the City of Omaha v. Adams*, 147 Neb. 1060, 26 N.W.2d 24 (1947). On the other hand, compensatory damages or assessments under remedial statutes are not subject to Article VII, Section 5. *Id.* If money exacted is punitive in character, and not remedial or compensatory, that money is a penalty within the meaning of Article VII, Section 5. *School District of McCook v. City of McCook*, 163 Neb. 817, 81 N.W.2d 224 (1957). A penal statute is prosecuted for the purpose of punishment, and to also deter others from offending in the same way, while a remedial statute is for the purpose of adjusting the rights of the parties involved as between themselves with respect to the wrong alleged. *School District of the City of Omaha v. Adams*, *supra*. It is also clear that court costs which are legitimately compensatory are not penalties within Article VII, Section 5. *DeCamp v. City of Lincoln*, 202 Neb. 727, 277 N.W.2d 83 (1979). In addition, liquidated damages in favor of a private person, although in the form of a penalty, are not violative of Article VII, Section 5 if the amount provided bears a reasonable relation to the actual damages which might be sustained and which damages are not susceptible to measurement by ordinary pecuniary standards. *Abel v. Conover*, 170 Neb. 926, 104 N.W.2d 684 (1960).

The factual settings of various Nebraska cases also offer additional guidance as to the application of Article VII, Section 5. For example, in the *Adams* case cited above, an amount was collected from the estate of certain deceased persons as a statutory penalty for failure to list particular property for taxation. The Court held that the penalty in question did not fall under Article VII, Section 5, because it was remedial and compensatory to the taxing bodies involved. This was true even though the penalty was punitive as to the wrongdoer. In *DeCamp v. City of Lincoln*, *supra*, the Court held that court costs collected for parking violations were not fines or penalties under Article VII, Section 5 because the costs were collected by an administrative arm of the municipal court, because the costs were uniform throughout the entire range of offenses, and because the costs actually appeared to be compensatory.

This office has also issued previous opinions dealing with the application of Article VII, Section 5. Most recently, in *Op. Att'y Gen. No. 93018* (March 19, 1993), we indicated that a surcharge to be assessed against all convicted criminal defendants could constitutionally be placed into the Victims' Compensation Fund and into the Crime Victim and Witness Assistance Fund. We concluded that the surcharge payments could be characterized as liquidated damages which were compensatory to the victims of uncompensated injury by criminals. In *Op. Att'y Gen. No. 21* (February 10, 1981), we

stated that a \$1 additional court cost assessed against convicted criminal defendants could be placed in a special Law Enforcement Improvement Fund because there was a reasonable relationship between the cost and the maintenance of the law enforcement and criminal justice system. On the other hand, we indicated in the same opinion that placing a portion of certain increased court costs in the state's general fund would likely violate Article VII, Section 5 since those increases could be considered a fine or penalty rather than compensation. Placing court costs in the state's general fund under those circumstances could also violate the separation of powers provision of the state Constitution in that the courts would be acting as tax collectors.

Op. Att'y Gen. No. 93038 (May 14, 1993) at 2-4.

In the present case, the Act contains various provisions for late fees and civil penalties. For example, Neb. Rev. Stat. § 32-1014.01 (4) (Cum. Supp. 2002) provides that "[a] candidate who fails to file an affidavit [pertaining to spending limitations] as required by this section shall pay to the commission a late filing fee of twenty-five dollars for each day the statement remains not filed in violation of this section not to exceed seven hundred fifty dollars." In addition, Neb. Rev. Stat. § 32-1612 (1998) provides:

(1) The Nebraska Accountability and Disclosure Commission shall assess any person that the commission finds to have violated subsection (3) or (5) of section 32-1607 a civil penalty of one thousand dollars or an amount equal to ten percent of the amount by which the limitation was exceeded, whichever is greater, for each violation.

(2) Unless a specific penalty is otherwise provided, the commission shall assess any person that it finds to have violated any other provision of the Campaign Finance Limitation Act a civil penalty of not more than one thousand dollars for each violation.

On balance, it appears to us, under the various authorities cited above, that the late fees and civil penalties which are the subject of your opinion request are penalties under penal statutes which must be distributed under the provisions of art. VII, § 5. Those late fees and penalties do not seem compensatory to any governmental bodies or to any individuals. On the other hand, it could be fairly stated that the purpose of the late fees and civil penalties, when considered together with the language of the Act, is to punish improper conduct and to deter others from acting in the same manner. Therefore, we do not believe that the introduced version of LB 762 is constitutional under art. VII, § 5. Your proposed amendment or other language which does not provide for placement of late fees and civil penalties in the Nebraska Accountability and Disclosure Cash Fund is required in order to comply with the Nebraska Constitution.

In your opinion request letter, you also state that the Nebraska Political Accountability and Disclosure Commission (the "Commission") sits in

Lancaster County, and that any fines and penalties imposed by the Commission are "levied or imposed" in Lancaster County. In that regard, you ask whether art. VII, § 5 requires that such fines or penalties imposed by the Commission must be remitted to Lancaster County.

As noted above, art. VII, § 5 provides that fines or penalties arising out of the general laws of this state "shall belong and be paid over to the counties respectively where the same may be levied or imposed." Our research has disclosed no Nebraska cases which discuss, in any detail, where particular fines or penalties are levied or imposed for purposes of art. VII, § 5. However, the Nebraska Supreme Court has indicated that, "[a]ll fines and penalties imposed under the general laws of the state by section 5 of article 8 of the constitution [a predecessor section to art. VII, § 5] are declared to belong to the county school fund, and are required to be paid to the county where the same were imposed." *State ex rel. Broatch v. Moores*, 52 Neb. 770, 73 N.W. 299 (1897). See also *School District No 54 of Douglas County v. School District of the City of Omaha*, 171 Neb. 769, 107 N.W.2d 744 (1961). In addition, the words and terms of a constitutional provision are to be interpreted and understood in their most natural and obvious meaning, unless the subject indicates or the text suggests that they have been used in a technical sense. *Hall v. Progress Pig Inc.*, 259 Neb. 407, 610 N.W.2d 420 (2000); *State ex rel. Douglas v. Beermann*, 216 Neb. 849, 347 N.W.2d 297 (1984). As a result, it seems to us that if the Commission sits in Lancaster County and imposes fines and penalties there, then all such fines and penalties imposed should be remitted to Lancaster County in some fashion as per the requirements of art. VII, § 5.

Finally, your contemplated amendment to LB 762 apparently provides that any monies remaining in the CFLA Cash Fund attributable to late filing fees, civil penalties and the interest thereon must be disposed of "in accordance with art. VII, § 5 of the Nebraska Constitution." You wish our opinion as to whether that latter language is sufficient, or whether more specific language should be added to the bill which would state that the fine and penalty monies in the CFLA Cash Fund must be remitted to the county where those fines or penalties were levied or imposed and used for the support of the common schools.

In *State ex rel. Stenberg v. American Midlands, Inc.*, 244 Neb. 887, 509 N.W.2d 633 (1994), the Nebraska Supreme Court considered the constitutionality of civil penalties under the Nebraska Consumer Protection Act. The court stated:

The Bazemores also argue that the imposition of civil penalties in this instance violated article VII, § 5 of the Nebraska Constitution because the Consumer Protection Act fails to specify that any civil penalties recovered pursuant to that act must be paid to the appropriate school fund. Again, the Bazemores' assertion lacks merit. The fact that a statute is silent as to the distribution of possible civil penalties does not

render it inconsistent with the provisions of article VII, § 5, of the Nebraska Constitution.

American Midlands, 244 Neb. 893, 509 N.W.2d 637. (Emphasis added). Based upon the language in the American Midlands case, we do not believe that it is necessary to include language in your amendment to LB 762 which would specify how the fine and penalties monies in the CFLA Cash Fund should be distributed, and your proposed language referencing art. VII, § 5 appears sufficient. However, whether you wish to include more specific language in your amendment is ultimately a matter of legislative policy, and a decision for you and the Legislature.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05-166-21

Opinion # 03012

DATE: May 7, 2003

SUBJECT: Constitutionality of AM 7091 to LB 667; More than One Subject

REQUESTED BY: Senator Ernie Chambers
Nebraska Legislator

WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of the Attorney General regarding the constitutionality of proposed legislation, that is, LB 667 with amendments. You have specifically asked whether AM 7091, which has become LB 667, contains more than one subject so as to violate Art. III § 14 of the Nebraska Constitution. This bill amends various Nebraska statutes concerning the following topics: public accommodations for persons with disabilities, the practice of pharmacy, the Mail Service Pharmacy Licensure Act, the Nebraska Drug Product Selection Act, practice of respiratory care, infectious diseases, automated external defibrillators, the Parkinson's Disease Registry Act, and eligibility for food stamps. Nearly all of the amendments concern regulatory statutes administered by the Department of Health and Human Services Regulation and Licensure. One exception is § 22 as the Departments of Health and Human Services and Health and Human Services Finance and Support have responsibility for all public

assistance, including food stamps. See Neb. Rev. Stat. § 68-717 (1996). The other exception occurs at §§ 1 and 2 of LB 667. These provisions regarding public accommodations for persons with disabilities amend Neb. Rev. Stat. §§ 20-127 and 20-129, which provide for certain civil rights and penalties for violations of those civil rights.

You have asked whether LB 667, as amended, contains more than one subject so as to be constitutionally suspect. Art. III, § 14 of the state constitution provides in part "[N]o bill shall contain more than subject, and the same shall be clearly expressed in the title." The purpose of this constitutional provision is "to challenge the attention of those affected by the provisions of the act and to prevent surreptitious legislation." *Omaha Parking Authority v. City of Omaha*, 163 Neb. 97, 102, 77 N.W.2d 862, 867 (1956). At first glance one might well conclude that LB 667 is constitutionally suspect because of the variety of statutes which would be amended by this bill. However, the Nebraska Supreme Court has adopted a liberal construction with respect to the interpretation of this constitutional amendment. See for example, *Op. Att'y. Gen. No. 89003* (January 23, 1989); *Op. Att'y. Gen. No. 87018* (February 9, 1987); and *Op. Att'y. Gen. No. 87009* (January 23, 1987).

In *Anderson v. Tiemann*, 182 Neb. 393, 155 N.W.2d 322 (1967), appeal dismissed, 390 U.S. 714, 88 S. Ct. 1418 (1968), the plaintiffs challenged a bill providing for a variety of taxes as violating the constitutional prohibition against including more than one subject in a single bill. The Nebraska Supreme Court rejected the plaintiffs' claim. "If an act has but one general object, no matter how broad that object may be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Art. III, Section 14, of the Constitution. (Citation omitted). . . . This Court holds that the provisions of LB 377 contain but one general subject, taxation, and that it does not violate the Constitution of Nebraska." *Id.* at 408-409, 155 N.W.2d at 332.

Similarly, in *Midwest Popcorn Co. v. Johnson*, 152 Neb. 867, 43 N.W.2d 174 (1950), it was held that the Tax Appraisal Board Act was constitutional and not violative of Art. III, § 14. The act at issue dealt with taxation of property and the establishment of a tax appraisal board. Other provisions of the act were found to be incidental and germane to this one subject. "The test is not whether the title chosen is the most appropriate but whether it fairly indicates the scope and purpose of the act. The constitutional provision under consideration does not require that the title to an act shall be a complete abstract of the bill. Its purpose is to prevent the inclusion of unrelated matters not within the legal contemplation of the title. . . . When dealing with form and not substance we are required to give a liberal construction to the constitutional provision." *Id.* at 872-873, 43 N.W.2d at 179.

As further example, the Eighth Circuit Court of Appeals has interpreted Art. III, § 14 in *Peet Stock Remedy Co. v. McMullen*, 32 F.2d 669 (8th Cir.

1929). The title to the act at issue therein began "an act relating to the public health, convenience and welfare" and provided for the licensing of numerous categories of health care providers. No violation of Art. III, § 14 was found.

With regard to LB 667, the title describes the bill as "an act relating to public health and welfare" and then sets out the statutes to be amended and lists the various topics or matters included within the bill. While two of the topics, the provisions relating to the civil rights of disabled persons and the provision under which the State would opt out of certain federal food stamp provisions, could be challenged as unrelated to the remainder of the bill, they do appear to be germane to the main purpose of the bill which is described within the title as relating to public health and welfare. Because the courts have given such a liberal interpretation to this constitutional provision in the past, we cannot conclude with any certainty that this bill violates Art. III, § 14 of the Nebraska Constitution.

Sincerely,
JON BRUNING
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick J. O'Donnell, Clerk
Nebraska Legislature
09-573-11.op

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 407:
AM1801

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 3, after line 8 insert:
- 2 "It is the intent of the Legislature to provide funding
- 3 for the priorities of the State of Nebraska. When faced with
- 4 budget shortfalls, the Ninety-eighth Legislature declares the
- 5 following priorities:
- 6 (1) Education (including public education at all levels,
- 7 K-12, the University of Nebraska, state colleges, community
- 8 colleges, and scholarships for low-income students);
- 9 (2) Public safety (including law enforcement, the State
- 10 Fire Marshal, corrections, and other agencies responsible for such
- 11 duties);
- 12 (3) Public assistance (including Medicaid and services
- 13 that provide necessities for the elderly, disabled, and children);
- 14 (4) Litigation in which the state's integrity and
- 15 financial future are involved; and
- 16 (5) General constitutional obligations of the State of
- 17 Nebraska."

Senator Raikes filed the following amendment to LB 407:
AM1802

(Amendments to Standing Committee amendments, AM1111)

- 1 Purpose: To eliminate General Fund support for the Tobacco
- 2 Prevention and Control Program.
- 3 Amendment:
- 4 1. On page 39, strike line 5; and strike line 7 and
- 5 insert "PROGRAM TOTAL 2,218,951 60,000".

Senator Foley filed the following amendment to LB 208:
AM1806

(Amendments to AM1774)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 28-394, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 28-394. (1) A person who causes the death of an unborn
- 5 child unintentionally while engaged in the operation of a motor
- 6 vehicle in violation of the law of the State of Nebraska or in
- 7 violation of any city or village ordinance commits motor vehicle
- 8 homicide of an unborn child.
- 9 (2) Except as provided in subsection (3) of this section,
- 10 motor vehicle homicide of an unborn child is a Class I misdemeanor.
- 11 (3)(a) If the proximate cause of the death of an unborn
- 12 child is the operation of a motor vehicle in violation of section
- 13 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is
- 14 a Class ~~IV~~ IIIA felony.
- 15 (b) Except as provided in subdivision (3)(c) of this
- 16 section, if the proximate cause of the death of an unborn child is
- 17 the operation of a motor vehicle in violation of section 60-6,196,
- 18 motor vehicle homicide of an unborn child is a Class ~~IV~~ IIIA felony
- 19 and the court shall, as part of the judgment of conviction, order
- 20 the person not to drive any motor vehicle for any purpose for a
- 21 period of at least ~~sixty days~~ one year and not more than fifteen
- 22 years after the date ordered by the court and shall order that the
- 23 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 (c) If the proximate cause of the death of an unborn
- 4 child is the operation of a motor vehicle in violation of section
- 5 60-6,196 and the defendant has a prior conviction under for a
- 6 violation of such section, under a city or village ordinance
- 7 enacted in conformance with such section, or under a law of another
- 8 state if, at the time of the conviction under the law of such other
- 9 state, the offense for which the defendant was convicted would have
- 10 been a violation of section 60-6,196, or a city or village
- 11 ordinance enacted pursuant to such section, motor vehicle homicide
- 12 of an unborn child is a Class III felony and the court shall, as
- 13 part of the judgment of conviction, order the person not to drive
- 14 any motor vehicle for any purpose for a period of at least ~~sixty~~

15 ~~days one year~~ and not more than fifteen years after the date
 16 ordered by the court and shall order that the operator's license of
 17 such person be revoked for the same period. ~~The revocation shall~~
 18 ~~not run concurrently with any jail term imposed.~~
 19 (d) An order of the court described in subdivision (b) or
 20 (c) of this subsection shall be administered upon sentencing, upon
 21 final judgment of any appeal or review, or upon the date that any
 22 probation is revoked, whichever is later."
 23 2. Renumber the remaining sections and correct internal
 24 references and the repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 759. E & R amendment, AM7114, printed separately and referred to on page 1495, was adopted.

Senator Jones withdrew his pending amendment, AM1483, found on page 1473.

Senator Brashear withdrew his pending amendments, AM1756 and AM1755, found on pages 1656 and 1659.

Senator Landis asked unanimous consent to withdraw his pending amendment, AM1561, found on page 1506, and replace it with his substitute pending amendment, AM1745, printed separately and referred to on page 1673. No objections So ordered.

Senator Brashear offered the following amendment to the Landis pending amendment:

AM1785

(Amendments to AM1745)

- 1 1. Insert the following new amendments:
- 2 "1. Insert the following new sections:
- 3 "Sec. 4. Section 77-2701.02, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 77-2701.02. Pursuant to section 77-2715.01:
- 6 (1) Until July 1, 1998, the rate of the sales tax levied
- 7 pursuant to section 77-2703 shall be five percent;
- 8 (2) Commencing July 1, 1998, and until July 1, 1999, the
- 9 rate of the sales tax levied pursuant to section 77-2703 shall be
- 10 four and one-half percent;
- 11 (3) Commencing July 1, 1999, and until the start of the
- 12 first calendar quarter after July 20, 2002, the rate of the sales
- 13 tax levied pursuant to section 77-2703 shall be five percent; and
- 14 (4) Commencing on the start of the first calendar quarter
- 15 after July 20, 2002, ~~and until the start of the fifth calendar~~
- 16 ~~quarter after July 20, 2002,~~ the rate of the sales tax levied
- 17 pursuant to section 77-2703 shall be five and one-half percent, ÷
- 18 ~~and~~

19 ~~(5) Commencing on the start of the fifth calendar quarter~~
20 ~~after July 20, 2002, the rate of the sales tax levied pursuant to~~
21 ~~section 77-2703 shall be five percent.~~

22 Sec. 22. Section 77-27,132, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 77-27,132. (1) There is hereby created a fund to be
2 designated the Revenue Distribution Fund which shall be set apart
3 and maintained by the Tax Commissioner. Revenue not required to be
4 credited to the General Fund or any other specified fund may be
5 credited to the Revenue Distribution Fund. Credits and refunds of
6 such revenue shall be paid from the Revenue Distribution Fund. The
7 balance of the amount credited, after credits and refunds, shall be
8 allocated as provided by the statutes creating such revenue.

9 (2) The Tax Commissioner shall pay to a depository bank
10 designated by the State Treasurer all amounts collected under the
11 Nebraska Revenue Act of 1967. The Tax Commissioner shall present
12 to the State Treasurer bank receipts showing amounts so deposited
13 in the bank, and of the amounts so deposited the State Treasurer
14 shall credit to the Highway Trust Fund all of the proceeds of the
15 sales and use taxes derived from motor vehicles, trailers, and
16 semitrailers, except that the proceeds equal to any sales tax rate
17 provided for in section 77-2701.02 that is in excess of five
18 percent derived from motor vehicles, trailers, and semitrailers
19 shall be credited to the General Fund. The balance of ~~the~~ all
20 amounts so paid collected under the Nebraska Revenue Act of 1967
21 shall be credited to the General Fund."

22 3. On page 3, line 24, before "Commencing" insert
23 paragraphing and "(2)"; and strike beginning with "less" in line 26
24 through "tax" in line 27 and show as stricken.

25 4. On page 4, strike beginning with "and" in line 1
26 through line 4 and show the old matter as stricken; in line 6 after
27 the period insert "The State Treasurer shall reduce the amount
1 placed in the General Fund under this subsection by the amount
2 prescribed in subdivision (3)(d) of this section."; and in line 10
3 before "The" insert paragraphing and "(3)".

4 5. On page 5, strike beginning with "until" in line 25
5 through line 27 and show as stricken.

6 6. On page 6, strike beginning with "the" in line 1
7 through the first comma in line 9 and show as stricken; in line 16
8 strike "(f) Sixth", show as stricken, and insert "(e) Fifth"; in
9 line 19 strike "(g) Seventh", show as stricken, and insert "(f)
10 Sixth"; in line 23 strike "this subsection", show as stricken, and
11 insert "subsection (2) of this section"; and in line 26 strike "(h)
12 Eighth", show as stricken, and insert "(g) Seventh".

13 7. On page 7, line 4, strike "this subsection", show as
14 stricken, and insert "subsection (2) of this section"; in line 7
15 strike "(i) Ninth", show as stricken, and insert "(h) Eighth";
16 after line 10 insert

17 "(4) If, after distributing the proceeds of such tax

18 pursuant to subsections (2) and (3) of this section, any proceeds
19 of such tax remain, the State Treasurer shall place such remainder
20 in the Nebraska Capital Construction Fund."; and in line 11 strike
21 "(2)", show as stricken, and insert "(5)".
22 8. On page 38, strike line 13 and insert "the labor of a
23 contractor purchased in connection"; in line 22 strike the last
24 "or"; in line 25 before the period insert "; or
25 (f) The major renovation of an existing building or a
26 unit of an existing building.
27 (2) Sales and use taxes shall be imposed on the gross
1 income received for labor by a contractor except as provided in
2 subsection (1) of this section.
3 (3) For purposes of this section:
4 (a) Building means any freestanding structure annexed to
5 land, enclosed within a roof and exterior walls, regardless of
6 whether enclosed on all sides;
7 (b) Building materials means items that will be annexed
8 to land or an improvement on land. Building materials do not
9 include tools, supplies, or items that will not be annexed;
10 (c) Contractor means any person who repairs property
11 annexed to or who annexes property to real estate, including leased
12 property, by attaching such person's own building materials to the
13 improvement or annexed property being built or repaired. This
14 includes the installation of fixtures and the repair of a building,
15 structure, or fixture;
16 (d) Fixture means a piece of equipment that must be
17 annexed to the building or structure in order to properly function,
18 yet remains identifiable as a separate item;
19 (e) Major renovation of an existing building or a unit of
20 an existing building means:
21 (i) The renovation of an existing building that increases
22 the market value of the building or unit by at least one hundred
23 percent; or
24 (ii) A renovation of an existing building or a unit of an
25 existing building that entails the renovation of no less than
26 seventy-five percent of the square feet of the building or unit;
27 (f) Renovation means the rehabilitation, replacement, or
1 reconfiguration of walls or fixtures. Mere replacement of floor
2 coverings does not constitute renovation for purposes of
3 subdivision (1)(f) of this section;
4 (g) Structure means any construction composed of parts
5 arranged and fitted together in some way. Structure includes, but
6 is not limited to, streets and roadways, street lighting, and
7 sewers and waterlines; and
8 (h) Unit means a physical portion of a building
9 designated for separate ownership, rental, or occupancy."; and
10 strike lines 26 and 27.
11 9. On page 39, strike lines 1 through 22."."
12 2. On page 4, strike lines 26 and 27 and insert "as

13 provided in section 18 of this act;".

14 3. On page 5, strike lines 1 through 3; in line 6 after
15 "repair" insert "or maintenance"; and after line 15 insert the
16 following new paragraph:

17 "The Tax Commissioner shall adopt and promulgate rules
18 and regulations to carry out the changes made to this subsection by
19 this legislative bill and shall hold a hearing on such rules and
20 regulations.".

21 4. On page 9, strike lines 3 through 7 and insert "as
22 provided in section 18 of this act;"; in line 10 after "repair"
23 insert "or maintenance"; and after line 20 insert the following new
24 paragraph:

25 "The Tax Commissioner shall adopt and promulgate rules
26 and regulations to carry out the changes made to this subsection by
27 this legislative bill and shall hold a hearing on such rules and
1 regulations.".

2 5. Renumber the remaining sections and correct internal
3 references and the repealer so that the sections added by this
4 amendment become operative on October 1, 2003.

5 6. Renumber the remaining amendments accordingly.

SPEAKER BROMM PRESIDING

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

Senator Landis asked unanimous consent to be excused. No objections. So
ordered.

Senator Brashear moved for a call of the house. The motion prevailed with
28 ayes, 0 nays, and 21 not voting.

Senator Brashear requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Aguilar	Brown	Cunningham	Louden	Schrock
Baker	Byars	Engel	McDonald	Stuhr
Beutler	Chambers	Hudkins	Pederson, D.	Thompson
Bourne	Combs	Johnson	Price	Vrtiska
Brashear	Conneally	Kremer	Raikes	Wehrbein
Bromm	Cudaback	Kruse	Schimek	

Voting in the negative, 11:

Erdman	Jones	Quandahl	Stuthman
Foley	Maxwell	Redfield	Tyson
Friend	Mossey	Smith	

Present and not voting, 8:

Burling	Janssen	Mines	Preister
Hartnett	Jensen	Pedersen, Dw.	Synowiecki

Excused and not voting, 1:

Landis

The Brashear amendment was adopted with 29 ayes, 11 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Brashear offered the following amendment to the Landis pending amendment:
AM1784

(Amendments to AM1745)

- 1 1. Insert the following new amendment:
- 2 "2. Insert the following new sections:
- 3 "Sec. 2. Section 77-2101.03, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 77-2101.03. (1) For decedents dying on or after January
- 6 1, 2003, and before October 1, 2003, the tax on the Nebraska
- 7 taxable estate shall be the greater of the maximum state tax credit
- 8 allowance upon the tax imposed under chapter 11 of the Internal
- 9 Revenue Code or the amount provided in the following table: The
- 10 following table shall be used to determine the tax on the Nebraska
- 11 taxable estate:

Nebraska taxable estate					Of Excess Over
At least	But less than	Tax =	+	%	
\$ 0	\$ 40,000	\$ 0	0		\$ 0
40,000	90,000	0	.8		40,000
90,000	140,000	400	1.6		90,000
140,000	240,000	1,200	2.4		140,000
240,000	440,000	3,600	3.2		240,000
440,000	640,000	10,000	4		440,000
640,000	840,000	18,000	4.8		640,000
840,000	1,040,000	27,600	5.6		840,000
1,040,000	1,540,000	38,800	6.4		1,040,000
1,540,000	2,040,000	70,800	7.2		1,540,000
2,040,000	2,540,000	106,800	8		2,040,000
2,540,000	3,040,000	146,800	8.8		2,540,000
3,040,000	3,540,000	190,800	9.6		3,040,000
3,540,000	4,040,000	238,800	10.4		3,540,000

6	4,040,000	5,040,000	290,800	11.2	4,040,000
7	5,040,000	6,040,000	402,800	12	5,040,000
8	6,040,000	7,040,000	522,800	12.8	6,040,000
9	7,040,000	8,040,000	650,800	13.6	7,040,000
10	8,040,000	9,040,000	786,800	14.4	8,040,000
11	9,040,000	10,040,000	930,800	15.2	9,040,000
12	10,040,000		1,082,800	16	10,040,000

13 (2) For decedents dying on or after October 1, 2003, the
 14 following table shall be used to determine the tax on the Nebraska
 15 taxable estate:

<u>Nebraska taxable estate</u>					<u>Of Excess</u>
					<u>Over</u>
<u>At least</u>	<u>But less than</u>	<u>Tax =</u>	<u>+</u>	<u>%</u>	
<u>\$ 0</u>	<u>\$ 100,000</u>	<u>\$ 0</u>		<u>41</u>	<u>\$ 0</u>
<u>100,000</u>	<u>500,000</u>	<u>41,000</u>		<u>6.4</u>	<u>100,000</u>
<u>500,000</u>	<u>1,000,000</u>	<u>66,600</u>		<u>7.2</u>	<u>500,000</u>
<u>1,000,000</u>	<u>1,500,000</u>	<u>102,600</u>		<u>8</u>	<u>1,000,000</u>
<u>1,500,000</u>	<u>2,000,000</u>	<u>142,600</u>		<u>8.8</u>	<u>1,500,000</u>
<u>2,000,000</u>	<u>2,500,000</u>	<u>186,600</u>		<u>9.6</u>	<u>2,000,000</u>
<u>2,500,000</u>	<u>3,000,000</u>	<u>234,600</u>		<u>10.4</u>	<u>2,500,000</u>
<u>3,000,000</u>	<u>4,000,000</u>	<u>286,600</u>		<u>11.2</u>	<u>3,000,000</u>
<u>4,000,000</u>	<u>5,000,000</u>	<u>398,600</u>		<u>12</u>	<u>4,000,000</u>
<u>5,000,000</u>	<u>6,000,000</u>	<u>518,600</u>		<u>12.8</u>	<u>5,000,000</u>
<u>6,000,000</u>	<u>7,000,000</u>	<u>646,600</u>		<u>13.6</u>	<u>6,000,000</u>
<u>7,000,000</u>	<u>8,000,000</u>	<u>782,600</u>		<u>14.4</u>	<u>7,000,000</u>
<u>8,000,000</u>	<u>9,000,000</u>	<u>926,600</u>		<u>15.2</u>	<u>8,000,000</u>
<u>9,000,000</u>		<u>1,078,600</u>		<u>16</u>	<u>9,000,000</u>

6 (2) (3) Taxable generation-skipping transfers shall be
 7 taxed at a rate of sixteen percent of the Nebraska taxable
 8 transfer.

9 Sec. 22. Section 77-27,222, Revised Statutes Supplement,
 10 2002, is amended to read:

11 77-27,222. (1) For purposes of this section:

12 (a) Accredited means accredited by the National
 13 Association for Family Child Care, the National Association for the
 14 Education of Young Children, the National School-Age Care Alliance,
 15 or a comparable accreditation process approved by the State
 16 Department of Education;

17 (b) Business firm means any business entity, including a
 18 corporation, a fiduciary, a sole proprietorship, a partnership, a
 19 limited liability company, or a corporation subject to the state
 20 income tax imposed by section 77-2715 or 77-2734.02, an insurance
 21 company paying premium or related retaliatory taxes in this state
 22 pursuant to section 44-150 or 77-908, or a financial institution
 23 paying the tax imposed pursuant to sections 77-3801 to 77-3807;

24 (c) Costs incurred by the business firm in providing
 25 child care services for children of employees means the amounts
 26 expended by the business firm during the year for improvements to
 27 the premises for purposes of making the premises suitable in whole

1 or in part for use as a child care facility, including furnishing
2 the facility with fencing, landscaping, sidewalks, furniture,
3 fixtures, equipment, supplies, and other improvements and materials
4 reasonably required to operate a child care facility and the direct
5 operating costs of staffing, operating, and maintaining a child
6 care facility. The costs include the payroll taxes and employee
7 benefit costs of staffing the child care facility and sales and use
8 taxes on purchases included in the costs of providing child care,
9 but not an allocation of the business firm's general,
10 administrative, and other operating expenses. The costs do not
11 include the acquisition of land or the construction of new
12 buildings. The costs include payments to third parties to
13 reimburse the third parties for amounts expended by them and which
14 would have been costs incurred by the business firm in providing
15 child care services if incurred directly by the business firm or to
16 subsidize the cost of providing child care for the children of
17 employees in such third parties' facilities; and
18 (d) Providing child care services means expending funds
19 to improve, furnish, license, accredit, qualify for accreditation,
20 staff, operate, or subsidize a child care facility licensed by the
21 Department of Health and Human Services Regulation and Licensure
22 which provides child care services to children of employees of the
23 business firm or contracting with a child care facility licensed by
24 the department to provide child care services to children of such
25 employees.

26 (2) Any For taxable years beginning or deemed to begin on
27 or after January 1, 2007, under the Internal Revenue Code of 1986,
1 as amended, any business firm which provides child care services
2 shall be allowed a credit against the individual income tax,
3 corporate income tax, premium or related retaliatory tax, or
4 franchise tax equal to thirty percent of the costs incurred by the
5 business firm in providing child care services for children of
6 employees for each taxable year, up to fifty percent of such
7 business firm's total tax liability. In the case of a sole
8 proprietorship, partnership, or limited liability company which is
9 taxed as a pass-through entity or a corporation which has in effect
10 an election under subchapter S of the Internal Revenue Code, the
11 maximum allowable amount of credit shall be fifty percent of the
12 income tax liability determined as if such business firm had been a
13 corporation subject to the state income tax imposed by section
14 77-2734.02. Such pass-through entities shall allocate the
15 allowable credit among their proprietors, partners, members, or
16 shareholders in the same manner as taxable income is allocated. In
17 the case of a fiduciary, the maximum allowable amount of the credit
18 shall be fifty percent of the income tax liability of the fiduciary
19 computed without any deduction for distributions, and the allowable
20 credit shall be allocated among the fiduciary and its beneficiaries
21 in proportion to the taxable income included by each beneficiary in
22 his or her Nebraska income tax returns. In the case of a

23 corporation which is part of a unitary group as defined in section
24 77-2734.04 and which is included in the combined income tax return
25 of such group, the unitary group shall be the business firm which
26 is providing child care services. Entities which are disregarded
27 for federal income tax purposes shall be disregarded for purposes
1 of defining the business firm which is providing child care
2 services. The credit shall only be used to reduce the tax
3 liabilities of the business firm, or in the case of pass-through
4 entities, the beneficiaries, proprietors, partners, members, or
5 shareholders, for the year in which the costs were incurred. The
6 credit may not be carried forward to the next taxable year. The
7 credit may be taken by the business firm for not more than three
8 taxable years, except that if the child care facility is accredited
9 under section 43-2620 or becomes accredited under section 43-2620
10 during the three-taxable-year period, the credit may be taken for
11 an additional consecutive two taxable years after the end of the
12 third taxable year for which a credit was taken under this section.

13 (3) Costs incurred by the business firm in providing
14 child care services for children of employees shall be reduced by
15 payments received by the business firm from employees. If the
16 business firm provides child care services for the children of
17 employees and also for the children of non-employees, the direct
18 operating costs of staffing, operating, and maintaining the child
19 care facility, including the related payroll taxes, employee
20 benefits, and sales and use taxes, shall be multiplied by a
21 fraction, the numerator of which is the total child hours of care
22 provided to the children of employees and the denominator of which
23 is the total child hours of care provided in the child care
24 facility. Child hour means one hour of care provided for one
25 child. For purposes of calculating child hours, if the business
26 firm does not in the ordinary course of its business compile the
27 actual child hours of care, it may determine the number of child
1 hours based on a reasonable convention if such convention is used
2 consistently for each year that the credit is claimed or the
3 business firm obtains the advance consent of the Tax Commissioner
4 to change the convention. Costs shall be considered incurred in
5 the taxable year in which they are either accruable or are paid in
6 accordance with the business firm's overall income tax method of
7 accounting.

8 (4) A business firm operating a child care facility on
9 January 1, ~~2003~~ 2007, shall only qualify for the two years of tax
10 credits allowed under subsection (2) of this section relating to
11 expenditures by the business firm for direct operating costs if the
12 child care facility is accredited after January 1, ~~2003~~ 2007.

13 (5) A business firm shall not be considered to be
14 providing child care services for purposes of this section unless
15 the child care services are provided to the employees of the firm
16 who qualify under classifications established by the business firm
17 which are found by the Tax Commissioner not to be discriminatory in

18 favor of highly compensated employees. For purposes of this
19 section, highly compensated employee means an employee who was a
20 five-percent owner of the business firm at any time during the year
21 or the preceding year or, for the preceding year, either (a) had
22 compensation from the employer in excess of eighty thousand dollars
23 or (b) was among the highest twenty percent of employees ranked by
24 compensation, whichever results in the smaller group. Whether an
25 employer's classifications are nondiscriminatory shall be
26 determined on the basis of employees' eligibility to place children
27 in the child care facility.

1 (6) No amount paid or incurred by an employer to provide
2 child care assistance to an employee shall qualify for the credit
3 if the amount was paid or incurred pursuant to a salary reduction
4 plan or is not paid for services performed within this state.

5 (7) This section shall only apply to business firms that
6 meet the requirements of this section on or before December 31,
7 ~~2007~~ 2011.

8 (8) If two or more business firms share in the cost of
9 providing child care services for children of such business firms'
10 employees, each business firm shall be allowed a tax credit in
11 proportion to such business firm's share of the total costs.

12 (9) The Department of Revenue and the Department of
13 Insurance shall issue a joint report by December 1, ~~2004~~ 2008, and
14 by each December 1 thereafter for so long as the credit is
15 effective, that provides the following information:

16 (a) The number of business firms qualifying for the
17 credit under this section during taxable years ending on or before
18 the previous December 31;

19 (b) The number and location by county of child care
20 facilities qualifying for the credit under this section during the
21 taxable years ending on or before the previous December 31;

22 (c) The total child-years of child care provided, the
23 range of child-years of child care provided per qualifying
24 business, and the average and median child-years of care provided
25 per qualifying business, sorted in reasonable groupings by maximum
26 enrollment during the year that include a sufficient number of
27 qualifying businesses in each group to maintain the confidentiality

1 of the taxpayers qualifying for the credit;

2 (d) The percentage of costs paid by the employees in each
3 size grouping in subdivision (c) of this subsection;

4 (e) The percentage of such child-years of care provided
5 in accredited facilities in each size grouping in subdivision (c)
6 of this subsection; and

7 (f) The total credits claimed and the total credits
8 allowed in each size grouping in subdivision (c) of this
9 subsection.

10 (10) The Department of Revenue shall develop a form for
11 claiming the credit allowed by this section stating that any
12 business firm seeking a credit under this section must supply the

13 information listed in subsection (9) of this section as a condition
14 for receiving the credit.

15 (11) The Tax Commissioner and Director of Insurance may
16 adopt and promulgate rules and regulations as necessary to carry
17 out this section."."

18 2. Renumber the remaining sections and correct internal
19 references and the repealer accordingly.

20 3. Renumber the remaining amendment accordingly.

The Brashear amendment was adopted with 27 ayes, 8 nays, 12 present and not voting, and 2 excused and not voting.

The Landis amendment, AM1745, as amended, was adopted with 27 ayes, 12 nays, 8 present and not voting, and 2 excused and not voting.

Senator Stuthman renewed his pending amendment, AM1627, found on page 1535.

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

SENATOR CUDABACK PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Stuthman moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Stuthman requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Burling	Hudkins	Louden	Mossey	Stuhr
Cunningham	Jensen	Maxwell	Preister	Stuthman
Erdman	Jones	McDonald	Quandahl	Synowiecki
Foley	Kremer	Mines	Smith	Tyson

Voting in the negative, 18:

Baker	Brown	Hartnett	Pederson, D.	Thompson
Beutler	Byars	Janssen	Price	Wehrbein
Brashear	Combs	Kruse	Raikes	
Bromm	Connealy	Pedersen, Dw.	Schrock	

Present and not voting, 9:

Aguilar	Chambers	Friend	Redfield	Vrtiska
Bourne	Cudaback	Johnson	Schimek	

Excused and not voting, 2:

Engel Landis

The Stuthman amendment lost with 20 ayes, 18 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 94. Introduced by Jones, 43.

PURPOSE: The purpose of this study is to review issues relating to creation of a separate and distinct land classification for agricultural land which has been purchased for use other than solely as agricultural land at a price at least fifty percent higher than the assessed value of the land. Many parcels of agricultural land have been purchased for reasons unrelated to the agricultural use of the land, and the purchasers have paid prices much higher than the price paid for similar land which is to be used for agricultural purposes. These purchases, when used to determine the actual value of other agricultural land for tax purposes, have resulted in higher valuations for all agricultural land. Creation of a separate classification for this type of property could limit that effect. The study should include legal, fiscal, and technical issues relating to creation of a separate classification and may include recommendations for draft legislation for introduction in the next regular legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 95. Introduced by Kremer, 34; Cunningham, 40; Burling, 33.

PURPOSE: The purpose of this study is to examine the value to Nebraska agriculture of the permit requirement of section 2-2701 to sell or dispose of current tractor models in the state and whether the law remains relevant as

the agricultural sector of the economy evolves. The study shall seek to identify the implications for the financial viability of the Nebraska Tractor Testing Laboratory on the University of Nebraska-Lincoln campus should the Legislature repeal this requirement. The study shall further seek to identify alternatives to outright repeal of the permit requirement, and to identify alternative revenue sources and alternative activities which could be performed by the Nebraska Tractor Testing Laboratory to assure its relevance and viability in the likely event that the volume of tractor testing and associated testing fees paid by manufacturers would decline in the absence of the permit requirement.

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

1. That 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 96. Introduced by Thompson, 14.

PURPOSE: In 1998 the Legislature passed LB 1100, allowing the University of Nebraska and the Nebraska state colleges to issue revenue bonds to complete several badly needed deferred maintenance projects. Revenue from institutional resources and appropriations from the Legislature were pledged to repay the bonds. Since that time most of these projects have been completed and the institutions are experiencing new deferred maintenance problems. A study should be conducted to determine the feasibility of a second round of deferred maintenance projects that could be completed using a mechanism similar to that used with LB 1100.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 320A. Placed on Select File.

LEGISLATIVE BILL 285A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 759:
AM1770

(Amendments to E & R amendments, AM7114)

- 1 1. On page 12, line 5, after "used" insert "other than
- 2 materials used for motor vehicle washing and waxing or building
- 3 cleaning and maintenance on which sales or use tax has been paid".
- 4 2. On page 14, line 24, before the first comma insert
- 5 "reduced by the cost of materials used on which sales or use tax
- 6 has been paid"; in line 25 strike the comma, show as stricken, and
- 7 insert "and"; and in line 26 before the first comma insert "reduced
- 8 by the cost of material used for motor vehicle washing and waxing
- 9 on which sales or use tax has been paid".

Senator Thompson filed the following amendment to LB 440:
AM1733

(Amendments to AM1661)

- 1 1. Strike section 2 and insert the following sections:
- 2 "Sec. 2. Section 77-2602, Revised Statutes Supplement,
- 3 2002, 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, sixty-four cents per
- 11 package until October 1, 2004, and thirty-four cents per package
- 12 commencing October 1, 2004; and on packages containing more than
- 13 twenty cigarettes, the same tax as provided on packages containing
- 14 not more than twenty cigarettes for the first twenty cigarettes in
- 15 each package and a tax of one-twentieth of the tax on the first
- 16 twenty cigarettes on each cigarette in excess of twenty cigarettes
- 17 in each package.
- 18 ~~(2) Commencing July 1, 1994, and continuing until July 1,~~
- 19 ~~2009, the State Treasurer shall place the equivalent of twenty one~~
- 20 ~~cents of such tax less three million dollars each fiscal year of~~
- 21 ~~proceeds of such tax in the General Fund. Commencing July 1, 2009,~~
- 22 ~~the State Treasurer shall place the equivalent of twenty-one cents~~
- 23 ~~of such tax in the General Fund. The State Treasurer shall reduce~~
- 24 ~~1 the amount placed in the General Fund under this subsection by the~~
- 25 ~~2 amount prescribed in subdivision (3)(d) of this section.~~ For
- 26 purposes of this section, the equivalent of a specified number of
- 27 cents of the tax shall mean that portion of the proceeds of the tax
- 28 equal to the specified number divided by the tax rate per package
- 29 of cigarettes containing not more than twenty cigarettes.
- 30 ~~(3) The State Treasurer shall distribute the remaining~~

8 proceeds of such tax in the following order:

9 (a) First, beginning July 1, 1980, the State Treasurer
10 shall place the equivalent of one cent of such tax in the Nebraska
11 Outdoor Recreation Development Cash Fund. For fiscal year
12 distributions occurring after FY1998-99, the distribution under
13 this subdivision shall not be less than the amount distributed
14 under this subdivision for FY1997-98. Any money needed to increase
15 the amount distributed under this subdivision to the FY1997-98
16 amount shall reduce the distribution to the General 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 distribution to the General Fund;

26 (c) Third, beginning July 1, 2001, and continuing until
27 October 1, 2002, the State Treasurer shall place the equivalent of
1 five cents of such tax in the Building Renewal Allocation Fund.
2 Beginning October 1, 2002, and continuing until October 1, 2004,
3 the State Treasurer shall place the equivalent of seven cents of
4 such tax in the Building Renewal Allocation Fund. Beginning
5 October 1, 2004, and continuing until all the purposes of the
6 Deferred Building Renewal Act have been fulfilled, the State
7 Treasurer shall place the equivalent of five cents of such tax in
8 the Building Renewal Allocation Fund. The Legislature shall
9 appropriate each fiscal year all sums inuring to the fund, plus
10 interest earnings for the Task Force for Building Renewal to be
11 used to carry out its duties and to fulfill the purposes of the
12 Deferred Building Renewal Act. Unexpended balances existing at the
13 end of each fiscal year shall be, and are hereby, reappropriated.
14 For fiscal year distributions occurring after FY1998-99, the
15 distribution under this subdivision shall not be less than
16 five-sevenths of the amount distributed under this subdivision for
17 FY1997-98. Any money needed to increase the amount distributed
18 under this subdivision to five-sevenths of the FY1997-98 amount
19 shall reduce the distribution to the General Fund;

20 (d) Fourth, ~~until October 1, 2002, and beginning on~~
21 ~~October 1, 2004, the State Treasurer shall place the difference~~
22 ~~between the equivalent of thirteen cents of such tax and the sum of~~
23 ~~the amounts distributed pursuant to subdivisions (a) through (c)~~
24 ~~and (f) through (h) of this subsection in a special fund to be~~
25 ~~known as the Nebraska Capital Construction Fund. Beginning October~~
26 ~~1, 2002, and continuing until October 1, 2004, the State Treasurer~~
27 ~~shall place the difference between the equivalent of forty three~~
1 ~~cents of such tax and the sum of the amounts distributed pursuant~~
2 ~~to subdivisions (a) through (c) and (f) through (i) of this~~

3 ~~subsection in the Nebraska Capital Construction Fund;~~
4 ~~(e) Fifth~~, beginning July 1, 1994, and continuing until
5 July 1, ~~2009~~ 2003, 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. Commencing July 1, 2003, and continuing
9 until July 1, 2005, the State Treasurer shall place in such fund
10 the sum of five hundred twenty thousand dollars each fiscal year to
11 carry out the act. Commencing July 1, 2005, and continuing until
12 July 1, 2009, the State Treasurer shall place in such fund the sum
13 of three million dollars each fiscal year to carry out the act.
14 The Legislature shall appropriate the sum of five hundred twenty
15 thousand dollars each year for fiscal years 2003-04 and 2004-05.
16 The Legislature shall appropriate the sum of three million dollars
17 each year for fiscal year ~~1994-95~~ 2005-06 through fiscal year
18 2008-09;
19 ~~(f) Sixth~~ (e) Fifth, beginning July 1, 2001, the State
20 Treasurer shall place the equivalent of two cents of such tax in
21 the Information Technology Infrastructure Fund;
22 ~~(g) Seventh~~ (f) Sixth, beginning July 1, 2001, and
23 continuing until June 30, 2016, the State Treasurer shall place one
24 million dollars each fiscal year in the City of the Primary Class
25 Development Fund. If necessary, the State Treasurer shall reduce
26 the distribution of tax proceeds to the General Fund pursuant to
27 this subsection by such amount required to fulfill the one million
1 dollars to be distributed pursuant to this subdivision;
2 ~~(h) Eighth~~ (g) Seventh, beginning July 1, 2001, and
3 continuing until June 30, 2016, the State Treasurer shall place one
4 million five hundred thousand dollars each fiscal year in the City
5 of the Metropolitan Class Development Fund. If necessary, the
6 State Treasurer shall reduce the distribution of tax proceeds to
7 the General Fund pursuant to this subsection by such amount
8 required to fulfill the one million five hundred thousand dollars
9 to be distributed pursuant to this subdivision; and
10 ~~(i) Ninth~~ (h) Eighth, beginning October 1, 2002, and
11 continuing until October 1, 2004, the State Treasurer shall place
12 the equivalent of twenty-eight cents of such tax in the Cash
13 Reserve Fund.
14 (4) If, after distributing the proceeds of such tax
15 pursuant to subsections (2) and (3) of this section, any proceeds
16 of such tax remain, the State Treasurer shall place such remainder
17 in the Nebraska Capital Construction Fund.
18 ~~(5) (2)~~ The Legislature hereby finds and determines that
19 the projects funded from the Municipal Infrastructure Redevelopment
20 Fund and the Building Renewal Allocation Fund are of critical
21 importance to the State of Nebraska. It is the intent of the
22 Legislature that the allocations and appropriations made by the
23 Legislature to such funds or, in the case of allocations for the
24 Municipal Infrastructure Redevelopment Fund, to the particular

25 municipality's account not be reduced until all contracts and
 26 securities relating to the construction and financing of the
 27 projects or portions of the projects funded from such funds or
 1 accounts of such funds are completed or paid or, in the case of the
 2 Municipal Infrastructure Redevelopment Fund, the earlier of such
 3 date or July 1, 2009, and that until such time any reductions in
 4 the cigarette tax rate made by the Legislature shall be
 5 simultaneously accompanied by equivalent reductions in the amount
 6 dedicated to the General Fund from cigarette tax revenue. Any
 7 provision made by the Legislature for distribution of the proceeds
 8 of the cigarette tax for projects or programs other than those to
 9 (a) the General Fund, (b) the Nebraska Outdoor Recreation
 10 Development Cash Fund, (c) the Department of Health and Human
 11 Services Finance and Support Cash Fund, (d) the Municipal
 12 Infrastructure Redevelopment Fund, (e) the Building Renewal
 13 Allocation Fund, (f) the Information Technology Infrastructure
 14 Fund, (g) the City of the Primary Class Development Fund, (h) the
 15 City of the Metropolitan Class Development Fund, and (i) the Cash
 16 Reserve Fund shall not be made a higher priority than or an equal
 17 priority to any of the programs or projects specified in
 18 subdivisions (a) through (i) of this subsection.
 19 Sec. 3. This act becomes operative on July 1, 2003.
 20 Sec. 5. Since an emergency exists, this act takes effect
 21 when passed and approved according to law."
 22 2. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 407:
 AM1818

(Amendments to Standing Committee amendments, AM1111)

1 PURPOSE: Restore funding for a Revenue Economist that conducts
 2 economic impact analysis.

3 AMENDMENT:

4 1. On page 5, strike lines 26 and 27 and insert:

5 "GENERAL FUND	1,210,469	1,240,591
6 PROGRAM TOTAL	1,210,469	1,240,591".

Senator Chambers filed the following amendment to LB 407:
 AM1799

(Amendments to Standing Committee amendments, AM1111)

1 1. On page 13, strike line 12 and insert "GENERAL FUND
 2 4,982,036 5,114,769"; strike line 15 and insert "PROGRAM TOTAL
 3 5,686,812 5,819,545"; strike line 16 and insert "SALARY LIMIT
 4 3,750,187 3,805,617".

Senator Chambers filed the following amendment to LB 759:
 FA1356
 Amend AM7114

1. On page 1, in line 7 strike "twenty-nine" and insert "forty-six"; in line 8 strike "ninety-five" and insert "two dollars and thirty"; in line 14 strike "six" and insert "twelve"; and in line 15 strike "three" and insert "six".

SELECT FILE

LEGISLATIVE BILL 759. Senator Redfield renewed her pending amendment, AM1644, printed separately and referred to on page 1569.

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

Senator Redfield 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 the Redfield amendment.

Voting in the affirmative, 16:

Aguilar	Friend	Maxwell	Quandahl
Chambers	Jensen	McDonald	Redfield
Combs	Jones	Mines	Schimek
Cunningham	Kruse	Pedersen, Dw.	Tyson

Voting in the negative, 23:

Beutler	Erdman	Johnson	Price	Synowiecki
Brashear	Foley	Kremer	Raikes	Thompson
Bromm	Hartnett	Louden	Schrock	Wehrbein
Byars	Hudkins	Mossey	Smith	
Connealy	Janssen	Pederson, D.	Stuhr	

Present and not voting, 7:

Bourne	Burling	Preister	Vrtiska
Brown	Cudaback	Stuthman	

Excused and not voting, 3:

Baker	Engel	Landis

The Redfield amendment lost with 16 ayes, 23 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

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 143 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 143.

A BILL FOR AN ACT relating to solid waste; to amend sections 13-2001, 13-2003, 13-2033, 13-2039, 13-2040, 81-1504.01, 81-15,159.02, 81-15,161, and 81-15,162, Reissue Revised Statutes of Nebraska, and sections 13-2042 and 81-15,160, Revised Statutes Supplement, 2002; to provide, change, and eliminate definitions; to change and eliminate provisions 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, 81-15,162.02, and 81-15,162.08, 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	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Baker Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB 143A

Senator Connealy withdrew his pending motion, found on page 1459, to bracket LB 143A until January 1, 2004.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 143A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 143, Ninety-eighth Legislature, First Session, 2003; and to reduce an appropriation.

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	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Baker 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 160 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 160.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-785 to 54-788, 54-790, 54-791, 54-796, 54-1403, 54-1509, 54-1517, 54-1902, 54-1906, and 54-1914, Reissue Revised Statutes of Nebraska, and section 54-1182, Revised Statutes Supplement, 2002; to change provisions relating to livestock health certificates, animal importation, and meat and poultry inspection; to define and redefine terms; 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	Conneally	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Baker 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 255.

A BILL FOR AN ACT relating to dispute resolution; to adopt the Uniform Mediation Act; and to provide severability.

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	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Conneally	Johnson	Pederson, D.	Stuthman
Beutler	Cudaback	Jones	Preister	Synowiecki
Bourne	Cunningham	Kremer	Price	Thompson
Brashear	Engel	Kruse	Quandahl	Tyson
Bromm	Erdman	Louden	Raikes	Vrtiska
Brown	Foley	Maxwell	Redfield	Wehrbein
Burling	Friend	McDonald	Schimek	
Byars	Hartnett	Mines	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 1:

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 305 with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 305. With Emergency.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-324, 37-326, 37-428, 37-449, 37-496, 37-1253, and 37-1273, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-404 to 37-406, 37-410, 37-411, 37-413, 37-414, 37-426, 37-427, 37-453, 37-455, 37-495, 37-1214, 37-1241.04, 37-1241.06, 37-1241.07, and 37-1256, Revised Statutes Supplement, 2002; to change provisions relating to cash funds, licenses, permits, stamps, hunter education programs, habitat stamps, special permits, limited deer permits, motorboat registration, the operation of motorboats and personal watercraft, boating accident investigations, and State Boat Act fees; to prohibit killing or wounding of certain animals; to provide a penalty; 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, 44:

Aguilar	Conneally	Janssen	Mines	Schimek
Baker	Cudaback	Jensen	Mossey	Schrock
Beutler	Cunningham	Johnson	Pedersen, Dw.	Smith
Bourne	Engel	Jones	Pederson, D.	Stuhr
Brashear	Erdman	Kremer	Preister	Stuthman
Bromm	Foley	Kruse	Price	Thompson
Brown	Friend	Louden	Quandahl	Tyson
Burling	Hartnett	Maxwell	Raikes	Wehrbein
Combs	Hudkins	McDonald	Redfield	

Voting in the negative, 2:

Byars Vrtiska

Present and not voting, 2:

Chambers Synowiecki

Excused 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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 358 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 358.

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 create the Vote Nebraska Initiative; to provide powers and duties; 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.

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	Combs	Janssen	Mossey	Smith
Baker	Connealy	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	

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.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 367.

A BILL FOR AN ACT relating to government; to amend sections 9-812 and 66-1519, Revised Statutes Supplement, 2002; to change the allocation of lottery proceeds under the State Lottery Act; to eliminate obsolete provisions; to provide for a grant to a city of the metropolitan class from the Petroleum Release Remedial Action Cash Fund; 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, 36:

Aguilar	Connealy	Jones	Pederson, D.	Synowiecki
Beutler	Cudaback	Kremer	Preister	Tyson
Bourne	Cunningham	Louden	Price	Vrtiska
Bromm	Engel	Maxwell	Raikes	Wehrbein
Brown	Hartnett	McDonald	Schimek	
Byars	Hudkins	Mines	Schrock	
Chambers	Janssen	Mossey	Stuhr	
Combs	Johnson	Pedersen, Dw.	Stuthman	

Voting in the negative, 8:

Burling	Foley	Kruse	Smith
Erdman	Friend	Redfield	Thompson

Present and not voting, 3:

Baker	Jensen	Quandahl

Excused and not voting, 2:

Brashear	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 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 500.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2301, 39-2302, 39-2304 to 39-2311, and 39-2502, Reissue Revised Statutes of Nebraska, and sections 39-2503, 39-2504, and 39-2512 to 39-2514, Revised Statutes Supplement, 2002; to adopt the County Highway and City Street Superintendents Act; to change licensing provisions; to change incentive payments to counties and municipalities as prescribed; to provide findings; to define and redefine terms; to provide powers and duties; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 39-2303, 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	Pederson, D.	Stuthman
Baker	Cudaback	Johnson	Preister	Synowiecki
Beutler	Cunningham	Jones	Price	Thompson
Bourne	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	
Combs	Janssen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Mines

Excused and not voting, 2:

Brashear Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BROMM PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 667 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 667.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 20-127, 20-129, 71-2406, and 71-5408, Reissue Revised Statutes of Nebraska, and sections 71-140, 71-1,148, 71-1,235, 71-514.02, 71-2407, 71-2408, 71-2409, 71-5185, 71-51,102, 71-5402 to 71-5407, 81-6,107, and 81-6,110, Revised Statutes Supplement, 2002; to change provisions relating to rights of disabled persons; to change and provide penalties; to change provisions relating to the licensing of pharmacists and mail service pharmacies, the licensing of respiratory care practitioners, the release of patient data under the Emergency Medical Services Act, and automated

external defibrillators; to rename the Mail Service Prescription Drug Act; to redefine infectious disease; to change and eliminate provisions relating to the Nebraska Drug Product Selection Act; to opt out of certain federal food stamp provisions; to eliminate certain provisions of the Parkinson's Disease Registry Act; to eliminate the Community-Based Neurobehavioral Action Plan Act; to define and redefine terms; to transfer and harmonize provisions; to repeal the original sections; and to outright repeal section 71-5401, Reissue Revised Statutes of Nebraska, and sections 79-11,142 to 79-11,149 and 81-6,108, Revised Statutes Supplement, 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	Combs	Jensen	Mossey	Schrock
Baker	Connealy	Johnson	Pedersen, Dw.	Smith
Beutler	Cunningham	Jones	Pederson, D.	Stuhr
Bourne	Engel	Kremer	Preister	Stuthman
Bromm	Erdman	Kruse	Price	Synowiecki
Brown	Foley	Louden	Quandahl	Thompson
Burling	Friend	Maxwell	Raikes	Tyson
Byars	Hartnett	McDonald	Redfield	Vrtiska
Chambers	Hudkins	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Janssen

Excused and not voting, 2:

Brashear 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 667A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, Ninety-eighth Legislature, First Session, 2003.

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	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brashear Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 724.

A BILL FOR AN ACT relating to public health and welfare; to amend section 83-1079, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Behavioral Health Reform Act; to change provisions relating to release of certain committed persons; 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	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brashear 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 735 with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to grain; to amend sections 75-901, 75-902, 88-525 to 88-528, 88-530, 88-536, and 89-1,104.01, Reissue Revised Statutes of Nebraska, and sections 75-156 and 75-903, Revised Statutes Supplement, 2002; to change provisions relating to the Public Service Commission, grain warehousemen, grain dealers, and grain moisture measuring devices; to provide for civil 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, 46:

Aguilar	Connealy	Johnson	Pederson, D.	Stuthman
Baker	Cudaback	Jones	Preister	Synowiecki
Beutler	Cunningham	Kremer	Price	Thompson
Bourne	Engel	Kruse	Quandahl	Tyson
Bromm	Erdman	Louden	Raikes	Vrtiska
Brown	Foley	Maxwell	Redfield	Wehrbein
Burling	Friend	McDonald	Schimek	
Byars	Hartnett	Mines	Schrock	
Chambers	Hudkins	Mossey	Smith	
Combs	Janssen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 2:

Brashear 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 735A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 735, Ninety-eighth Legislature, First Session, 2003.

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	Johnson	Pederson, D.	Stuthman
Baker	Cudaback	Jones	Preister	Synowiecki
Beutler	Cunningham	Kremer	Price	Thompson
Bourne	Engel	Kruse	Quandahl	Tyson
Bromm	Erdman	Louden	Raikes	Vrtiska
Brown	Foley	Maxwell	Redfield	Wehrbein
Burling	Friend	McDonald	Schimek	
Byars	Hartnett	Mines	Schrock	
Chambers	Huddkins	Mossey	Smith	
Combs	Janssen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 2:

Brashear Landis

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 143, 143A, 160, 255, 305, 358, 367, 500, 667, 667A, 724, 735, and 735A.

MOTION - Return LB 210 to Select File

Senator Bromm moved to return LB 210 to Select File for his specific pending amendment, AM1804, found on page 1681.

The Bromm motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Mossey asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 210. The Bromm specific pending amendment, AM1804, found on page 1681, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 759:
AM1819

(Amendments to AM1785)

- 1 1. On page 5, strike beginning with the semicolon in
- 2 line 15 through the quotation marks in line 20; and strike
- 3 beginning with the semicolon in line 23 through line 27 and insert
- 4 a period.
- 5 2. On page 6, strike line 1.
- 6 3. Insert the following new amendment:
- 7 "7. In AM1745, on page 11, after line 11 insert the
- 8 following new subsection:
- 9 '(17) The Tax Commissioner shall hold a hearing on rules
- 10 and regulations to carry out the changes made to this section by
- 11 this legislative bill. It is the intent of the Legislature that
- 12 the Tax Commissioner adopt and promulgate rules and regulations to
- 13 carry out such changes.'".

RESOLUTION

LEGISLATIVE RESOLUTION 97. Introduced by Combs, 32.

WHEREAS, significant changes in the Medicare program required health care providers, especially in rural areas, to find creative ways to offer high quality services more efficiently; and

WHEREAS, BryanLGH and Crete Medical Clinic became affiliated several years ago with the idea of developing a new medical clinic; and

WHEREAS, a new Crete Area Medical Center was developed in a modern, more comfortable environment for staff and patients. The new medical center eliminates duplication of services, provides expanded parking, and meets all current industry standards and codes; and

WHEREAS, the Crete Area Medical Center will be dedicated with a ribbon-cutting ceremony on May 30, 2003.

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

1. That the Legislature congratulates BryanLGH, the Crete Medical Clinic, and the city of Crete on the new state-of-the-art Crete Area Medical Center.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 8, 2003, at 2:15 p.m. were the following: LBs 143, 143A, 160, 255, 305e, 358, 367, 500, 667, 667A, 724, 735, and 735A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Senator Stuthman's granddaughter and 13 fifth- and sixth-grade students, teacher, and sponsors from Christ Lutheran School, Columbus; 78 fourth-grade students and teachers from Grace Abbott Elementary School, Omaha; 50 fourth-grade students and teachers from Starr School, Grand Island; 53 fourth-grade students and teachers from Westridge Elementary School, Elkhorn; 11 students and teacher from Brownville; and 49 fourth-grade students and teachers from Mockingbird Elementary School, Omaha.

ADJOURNMENT

At 2:19 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, May 13, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 13, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 13, 2003

PRAYER

The prayer was offered by Parish Ministry Associate Glenn Kietzmann, Trinity Lutheran Church, Winside, 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 Combs, Erdman, Hudkins, and Dw. Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Reengrossed**

The following bill was correctly reengrossed: LB 210.

Correctly Engrossed

The following bills were correctly engrossed: LBs 156 and 540.

ER9059

Enrollment and Review Change to LB 156

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "banks and banking" has been struck and "information" inserted.

(Signed) Ray Mossey, Chairperson

SELECT FILE

LEGISLATIVE BILL 759. Senator Redfield renewed her pending amendment, AM1657, found on page 1570.

Senator Redfield withdrew her amendment.

Senator Preister asked unanimous consent to withdraw his pending amendment, AM1740, found on page 1655, and replace it with his substitute amendment, AM1831. No objections. So ordered.
AM1831

(Amendments to AM1745)

- 1 1. On page 5, line 8; and page 9, line 12, strike
- 2 "including" and insert "excluding".

Senators Brashear and Landis asked unanimous consent to bracket LB 759 until May 14, 2003. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 283. Senators Landis and Brashear asked unanimous consent to bracket until May 14, 2003. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 402. E & R amendment, AM7118, printed separately and referred to on page 1540, was adopted.

Senator Wehrbein offered the following amendment:
AM1749

(Amendments to E & R amendments, AM7118)

- 1 1. PURPOSE: Cover additional costs of unemployment
- 2 insurance compensation and vacation leave balances payment related
- 3 to termination of the agency.
- 4 AMENDMENT:
- 5 a. Insert the following new section:
- 6 "Sec. 26. AGENCY NO. 95 -- RURAL DEVELOPMENT COMMISSION
- 7 Program No. 134 - Rural Development Commission
- 8
- 9

	<u>FY2001-02</u>	<u>FY2002-03</u>
<u>GENERAL FUND</u>	<u>-0-</u>	<u>18,632</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>18,632</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>18,632</u> ".
- 10
- 11
- 12 b. Renumber the remaining sections accordingly.
- 13 2. PURPOSE: Cover additional costs related to employee
- 14 retirements.
- 15 AMENDMENT:

16 a. On page 6, lines 8 and 9, strike "68,637" and insert
 17 "95,683"; and in line 10 strike "56,037" and insert "79,527".

The Wehrbein amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 404. Advanced to E & R for engrossment.

LEGISLATIVE BILL 405. Senator Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 45:

Aguilar	Combs	Hudkins	Maxwell	Schimek
Baker	Connealy	Janssen	McDonald	Schrock
Beutler	Cudaback	Jensen	Mossey	Smith
Bourne	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Brashear	Engel	Jones	Pederson, D.	Stuthman
Bromm	Erdman	Kremer	Price	Thompson
Brown	Foley	Kruse	Quandahl	Tyson
Burling	Friend	Landis	Raikes	Vrtiska
Byars	Hartnett	Louden	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Mines	Preister	Synowiecki

Advanced to E & R for engrossment with 45 ayes, 0 nays, and 4 present and not voting.

LEGISLATIVE BILL 406. E & R amendment, AM7119, found on page 1540, was adopted.

Senator Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 43:

Aguilar	Cudaback	Jensen	Mossey	Smith
Beutler	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Bourne	Engel	Jones	Pederson, D.	Stuthman
Brashear	Erdman	Kremer	Price	Thompson
Bromm	Foley	Kruse	Quandahl	Tyson
Burling	Friend	Landis	Raikes	Vrtiska
Byars	Hartnett	Louden	Redfield	Wehrbein
Combs	Hudkins	Maxwell	Schimek	
Connealy	Janssen	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 6:

Baker	Chambers	Preister
Brown	Mines	Synowiecki

Advanced to E & R for engrossment with 43 ayes, 0 nays, and 6 present and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 98. Introduced by Schrock, 38.

PURPOSE: The purpose of this study is to examine the Nebraska Environmental Trust as it relates to the following:

- (1) The cost of unmet conservation needs in the state;
- (2) The future stability of the state lottery as the primary funding source of the trust;
- (3) Methods to leverage additional private and public funds for the trust;
- (4) The grant-awarding process;
- (5) Economic benefits to communities derived from trust grants;
- (6) Composition of the board of directors;
- (7) Deviations from the original purpose of the grant awards program of the trust; and
- (8) Protection of the trust funds from diversion to budget deficit needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 99. Introduced by Preister, 5.

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. The study shall also examine separating grant programs which may be established from the agency which would be enforcing the programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 100. Introduced by Preister, 5.

PURPOSE: To examine the barriers to the development of renewable energy in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 101. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine the Nebraska employees' hours of work as it relates to mandatory overtime. The study will research, but not be limited to, the following:

- (1) Other states' laws and legislation on regulating mandatory overtime;
- (2) Federal laws and legislation on regulating mandatory overtime;
- (3) Professions with a ban on mandatory overtime;
- (4) Consequences of enforcing mandatory overtime;
- (5) Court cases and findings;
- (6) Historical trends in the numbers of court cases; and
- (7) Types and numbers of companies which use mandatory overtime policies and historical trends.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 102. Introduced by Schrock, 38.

PURPOSE: In 2000, the Department of Water Resources and the Nebraska Natural Resources Commission were merged into the Department of Natural Resources. The purpose of this resolution is to study the status of the agency since the merger and to examine evolving issues regarding the regulation of surface water and ground water in Nebraska and how these matters may impact the staffing and technological needs of the department.

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

AMENDMENTS - Print in Journal

Senators Hartnett and Janssen filed the following amendment to LB 759:
AM1836

- 1 1. In AM7114, strike sections 5 and 6 and renumber the
- 2 remaining sections and correct internal references accordingly.
- 3 2. In AM1745:
- 4 a. On page 5, line 13, after the semicolon insert "and";
- 5 and strike beginning with the semicolon in line 14 through
- 6 "advertising" in line 15;
- 7 b. On page 9, line 18, after the semicolon insert "and";
- 8 and strike beginning with the semicolon in line 19 through
- 9 "advertising" in line 20;
- 10 c. On page 14, line 5, after the semicolon insert "and";
- 11 and strike beginning with the semicolon in line 8 through "state"
- 12 in line 11; and
- 13 d. On page 28, line 17, reinstate the stricken "and";
- 14 and in lines 20 through 23 strike the new matter.

Senator Stuhr filed the following amendment to LB 759:
AM1832

(Amendments to E & R amendments, AM7114)

- 1 1. On page 4, line 10, strike "The", show as stricken,
- 2 and insert "Except as provided in subsection (6) of this section,
- 3 the".
- 4 2. On page 7, line 14, strike "It", show as stricken,
- 5 and insert "Except as provided in subsection (6) of this section,
- 6 it".
- 7 3. On page 8, after line 11 insert the following new
- 8 subsection:
- 9 "(6) For fiscal years 2003-04 and 2004-05, the State

10 Treasurer shall reduce the distributions to (a) the Nebraska
11 Outdoor Recreation Development Cash Fund, (b) the Department of
12 Health and Human Services Finance and Support Cash Fund, (c) the
13 Municipal Infrastructure Redevelopment Fund, (d) the Building
14 Renewal Allocation Fund, (e) the Information Technology
15 Infrastructure Fund, (f) the City of the Primary Class Development
16 Fund, (g) the City of the Metropolitan Class Development Fund, and
17 (h) the Cash Reserve Fund by ten percent, and any requirement that
18 a distribution shall not be less than the amount distributed for
19 fiscal year 1997-98 shall also be reduced by ten percent. The
20 State Treasurer shall credit the funds resulting from the reduction
21 under this subsection to the General Fund."

22 4. Insert the following new section:

23 "Sec. 27. Section 81-638, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-638. (1) The Legislature shall appropriate for each
3 year from the Department of Health and Human Services Finance and
4 Support Cash Fund to the Department of Health and Human Services
5 Finance and Support an amount derived from one cent of the
6 cigarette tax imposed by section 77-2602, except that for fiscal
7 years 2003-04 and 2004-05, the amount appropriated shall be the
8 amount derived from nine-tenths cent of the cigarette tax, less any
9 amount appropriated from the fund specifically to the University of
10 Nebraska Eppley Institute for Research in Cancer and Allied
11 Diseases. The director shall, after deducting expenses incurred in
12 the administration of such funds, distribute such funds exclusively
13 for grants and contracts for research of cancer and smoking
14 diseases, for funding the cancer registry prescribed in sections
15 81-642 to 81-650, and for associated expenses due to the
16 establishment and maintenance of such cancer registry. Not more
17 than two hundred thousand dollars shall be appropriated for funding
18 the cancer registry and associated expenses. The University of
19 Nebraska may receive such grants and contracts, and other
20 postsecondary institutions having colleges of medicine located in
21 the State of Nebraska may receive such contracts.

22 (2) The Legislature shall appropriate for each year from
23 the Department of Health and Human Services Finance and Support
24 Cash Fund to the Department of Health and Human Services Finance
25 and Support for cancer research an amount derived from two cents of
26 the cigarette tax imposed by section 77-2602 to be used exclusively
27 for grants and contracts for research on cancer and smoking
1 diseases, except that for fiscal years 2003-04 and 2004-05, the
2 amount appropriated shall be the amount derived from one and
3 eight-tenths cents of the cigarette tax. No amount shall be
4 appropriated or used pursuant to this subsection for the operation
5 and associated expenses of the cancer registry. Not more than
6 one-half of the funds appropriated pursuant to this subsection
7 shall be distributed to the University of Nebraska Medical Center
8 for research in cancer and allied diseases and the University of

9 Nebraska Eppley Institute for Research in Cancer and Allied
10 Diseases. The remaining funds available pursuant to this
11 subsection shall be distributed for contracts with other
12 postsecondary educational institutions having colleges of medicine
13 located in Nebraska which have cancer research programs for the
14 purpose of conducting research in cancer and allied diseases.

15 (3) Any contract between the Department of Health and
16 Human Services Finance and Support and another postsecondary
17 educational institution for cancer research under subsection (2) of
18 this section shall provide that:

19 (a) Any money appropriated for such contract shall only
20 be used for cancer research and shall not be used to support any
21 other program in the institution;

22 (b) Full and detailed reporting of the expenditure of all
23 funds under the contract is required. The report shall include,
24 but not be limited to, separate accounting for personal services,
25 equipment purchases or leases, and supplies. Such reports shall be
26 made available to the Legislature; and

27 (c) No money appropriated for such contract shall be
1 spent for travel, building construction, or any other purpose not
2 directly related to the research that is the subject of the
3 contract."

4 5. Renumber the remaining sections and correct internal
5 references and the repealer so that the section added by this
6 amendment becomes operative on October 1, 2003.

Senator Beutler filed the following amendment to LB 759:
AM1762

(Amendments to E & R amendments, AM7114)

1 1. Insert the following new sections:

2 "Section 1. Section 21-303, Reissue Revised Statutes of
3 Nebraska, as amended by section 3, Legislative Bill 524,
4 Ninety-eighth Legislature, First Session, 2003, is amended to read:

5 21-303. (1) At the time of filing the report under
6 section 21-301 each even-numbered year, it shall be the duty of
7 every corporation for profit, and registered in the office of the
8 Secretary of State on January 1, whether incorporated under the
9 laws of this state or incorporated under the laws of any other
10 state when such corporations have domesticated in this state, to
11 pay to the Secretary of State a biennial fee for each even-numbered
12 calendar year beginning January 1, which fee shall be due and
13 assessable on such date and delinquent if not paid on or before
14 April 15 of each even-numbered year.

15 (2) The Except as provided in subsection (3) of this
16 section, the biennial fee shall be as follows: When the paid-up
17 capital stock of a corporation does not exceed ten thousand
18 dollars, a fee of twenty-six dollars; when such paid-up capital
19 stock exceeds ten thousand dollars but does not exceed twenty
20 thousand dollars, a fee of forty dollars; when such paid-up capital

21 stock exceeds twenty thousand dollars but does not exceed thirty
22 thousand dollars, a fee of sixty dollars; when such paid-up capital
23 stock exceeds thirty thousand dollars but does not exceed forty
1 thousand dollars, a fee of eighty dollars; when such paid-up
2 capital stock exceeds forty thousand dollars but does not exceed
3 fifty thousand dollars, a fee of one hundred dollars; when such
4 paid-up capital stock exceeds fifty thousand dollars but does not
5 exceed sixty thousand dollars, a fee of one hundred twenty dollars;
6 when such paid-up capital stock exceeds sixty thousand dollars but
7 does not exceed seventy thousand dollars, a fee of one hundred
8 forty dollars; when such paid-up capital stock exceeds seventy
9 thousand dollars but does not exceed eighty thousand dollars, a fee
10 of one hundred sixty dollars; when such paid-up capital stock
11 exceeds eighty thousand dollars but does not exceed ninety thousand
12 dollars, a fee of one hundred eighty dollars; when such paid-up
13 capital stock exceeds ninety thousand dollars but does not exceed
14 one hundred thousand dollars, a fee of two hundred dollars; when
15 such paid-up capital stock exceeds one hundred thousand dollars but
16 does not exceed one hundred twenty-five thousand dollars, a fee of
17 two hundred forty dollars; when such paid-up capital stock exceeds
18 one hundred twenty-five thousand dollars but does not exceed one
19 hundred fifty thousand dollars, a fee of two hundred eighty
20 dollars; when such paid-up capital stock exceeds one hundred fifty
21 thousand dollars but does not exceed one hundred seventy-five
22 thousand dollars, a fee of three hundred twenty dollars; when such
23 paid-up capital stock exceeds one hundred seventy-five thousand
24 dollars but does not exceed two hundred thousand dollars, a fee of
25 three hundred sixty dollars; when such paid-up capital stock
26 exceeds two hundred thousand dollars but does not exceed two
27 hundred twenty-five thousand dollars, a fee of four hundred
1 dollars; when such paid-up capital stock exceeds two hundred
2 twenty-five thousand dollars but does not exceed two hundred fifty
3 thousand dollars, a fee of four hundred forty dollars; when such
4 paid-up capital stock exceeds two hundred fifty thousand dollars
5 but does not exceed two hundred seventy-five thousand dollars, a
6 fee of four hundred eighty dollars; when such paid-up capital stock
7 exceeds two hundred seventy-five thousand dollars but does not
8 exceed three hundred thousand dollars, a fee of five hundred twenty
9 dollars; when such paid-up capital stock exceeds three hundred
10 thousand dollars but does not exceed three hundred twenty-five
11 thousand dollars, a fee of five hundred sixty dollars; when such
12 paid-up capital stock exceeds three hundred twenty-five thousand
13 dollars but does not exceed three hundred fifty thousand dollars, a
14 fee of six hundred dollars; when such paid-up capital stock exceeds
15 three hundred fifty thousand dollars but does not exceed four
16 hundred thousand dollars, a fee of six hundred sixty-six dollars;
17 when such paid-up capital stock exceeds four hundred thousand
18 dollars but does not exceed four hundred fifty thousand dollars, a
19 fee of seven hundred thirty dollars; when such paid-up capital

20 stock exceeds four hundred fifty thousand dollars but does not
21 exceed five hundred thousand dollars, a fee of eight hundred
22 dollars; when such paid-up capital stock exceeds five hundred
23 thousand dollars but does not exceed six hundred thousand dollars,
24 a fee of nine hundred ten dollars; when such paid-up capital stock
25 exceeds six hundred thousand dollars but does not exceed seven
26 hundred thousand dollars, a fee of one thousand ten dollars; when
27 such paid-up capital stock exceeds seven hundred thousand dollars
1 but does not exceed eight hundred thousand dollars, a fee of one
2 thousand one hundred twenty dollars; when such paid-up capital
3 stock exceeds eight hundred thousand dollars but does not exceed
4 nine hundred thousand dollars, a fee of one thousand two hundred
5 thirty dollars; when such paid-up capital stock exceeds nine
6 hundred thousand dollars but does not exceed one million dollars, a
7 fee of one thousand three hundred thirty dollars; when such paid-up
8 capital stock exceeds one million dollars but does not exceed ten
9 million dollars, a fee of one thousand three hundred thirty
10 dollars, and eight hundred dollars additional for each million or
11 fraction thereof over and above one million dollars; when such
12 paid-up capital stock exceeds ten million dollars but does not
13 exceed fifteen million dollars, a fee of twelve thousand dollars;
14 when such paid-up capital stock exceeds fifteen million dollars but
15 does not exceed twenty million dollars, a fee of fourteen thousand
16 six hundred sixty dollars; when such paid-up capital stock exceeds
17 twenty million dollars but does not exceed twenty-five million
18 dollars, a fee of seventeen thousand three hundred thirty dollars;
19 when such paid-up capital stock exceeds twenty-five million dollars
20 but does not exceed fifty million dollars, a fee of twenty thousand
21 six hundred sixty dollars; when such paid-up capital stock exceeds
22 fifty million dollars but does not exceed one hundred million
23 dollars, a fee of twenty-one thousand three hundred thirty dollars;
24 and when such paid-up capital stock exceeds one hundred million
25 dollars, a fee of twenty-three thousand nine hundred ninety
26 dollars. The minimum biennial fee for filing such report shall be
27 twenty-six dollars. For purposes of determining the fee, the stock
1 of corporations incorporated under the laws of any other state,
2 which corporations have domesticated in this state and which stock
3 is without par value, shall be deemed to have a par value of an
4 amount equal to the amount paid in as capital for such shares at
5 the time of the issuance thereof.

6 (3) In addition to the biennial fee assessed under
7 subsection (2) of this section, for the calendar year 2004, the
8 biennial fee shall be increased by the following amounts: When the
9 paid-up capital stock of a corporation does not exceed ten thousand
10 dollars, a fee of twenty-four dollars; when such paid-up capital
11 stock exceeds ten thousand dollars but does not exceed twenty
12 thousand dollars, a fee of thirty-seven dollars; when such paid-up
13 capital stock exceeds twenty thousand dollars but does not exceed
14 thirty thousand dollars, a fee of fifty-six dollars; when such

15 paid-up capital stock exceeds thirty thousand dollars but does not
16 exceed forty thousand dollars, a fee of seventy-four dollars; when
17 such paid-up capital stock exceeds forty thousand dollars but does
18 not exceed fifty thousand dollars, a fee of ninety-three dollars;
19 when such paid-up capital stock exceeds fifty thousand dollars but
20 does not exceed sixty thousand dollars, a fee of one hundred twelve
21 dollars; when such paid-up capital stock exceeds sixty thousand
22 dollars but does not exceed seventy thousand dollars, a fee of one
23 hundred thirty dollars; when such paid-up capital stock exceeds
24 seventy thousand dollars but does not exceed eighty thousand
25 dollars, a fee of one hundred forty-nine dollars; when such paid-up
26 capital stock exceeds eighty thousand dollars but does not exceed
27 ninety thousand dollars, a fee of one hundred sixty-seven dollars;
1 when such paid-up capital stock exceeds ninety thousand dollars but
2 does not exceed one hundred thousand dollars, a fee of one hundred
3 eighty-six dollars; when such paid-up capital stock exceeds one
4 hundred thousand dollars but does not exceed one hundred
5 twenty-five thousand dollars, a fee of two hundred twenty-three
6 dollars; when such paid-up capital stock exceeds one hundred
7 twenty-five thousand dollars but does not exceed one hundred fifty
8 thousand dollars, a fee of two hundred sixty dollars; when such
9 paid-up capital stock exceeds one hundred fifty thousand dollars
10 but does not exceed one hundred seventy-five thousand dollars, a
11 fee of two hundred ninety-eight dollars; when such paid-up capital
12 stock exceeds one hundred seventy-five thousand dollars but does
13 not exceed two hundred thousand dollars, a fee of three hundred
14 thirty-five dollars; when such paid-up capital stock exceeds two
15 hundred thousand dollars but does not exceed two hundred
16 twenty-five thousand dollars, a fee of three hundred seventy-two
17 dollars; when such paid-up capital stock exceeds two hundred
18 twenty-five thousand dollars but does not exceed two hundred fifty
19 thousand dollars, a fee of four hundred nine dollars; when such
20 paid-up capital stock exceeds two hundred fifty thousand dollars
21 but does not exceed two hundred seventy-five thousand dollars, a
22 fee of four hundred forty-six dollars; when such paid-up capital
23 stock exceeds two hundred seventy-five thousand dollars but does
24 not exceed three hundred thousand dollars, a fee of four hundred
25 eighty-four dollars; when such paid-up capital stock exceeds three
26 hundred thousand dollars but does not exceed three hundred
27 twenty-five thousand dollars, a fee of five hundred twenty-one
1 dollars; when such paid-up capital stock exceeds three hundred
2 twenty-five thousand dollars but does not exceed three hundred
3 fifty thousand dollars, a fee of five hundred fifty-eight dollars;
4 when such paid-up capital stock exceeds three hundred fifty
5 thousand dollars but does not exceed four hundred thousand dollars,
6 a fee of six hundred nineteen dollars; when such paid-up capital
7 stock exceeds four hundred thousand dollars but does not exceed
8 four hundred fifty thousand dollars, a fee of six hundred
9 seventy-nine dollars; when such paid-up capital stock exceeds four

10 hundred fifty thousand dollars but does not exceed five hundred
11 thousand dollars, a fee of seven hundred forty-four dollars; when
12 such paid-up capital stock exceeds five hundred thousand dollars
13 but does not exceed six hundred thousand dollars, a fee of eight
14 hundred forty-six dollars; when such paid-up capital stock exceeds
15 six hundred thousand dollars but does not exceed seven hundred
16 thousand dollars, a fee of nine hundred thirty-nine dollars; when
17 such paid-up capital stock exceeds seven hundred thousand dollars
18 but does not exceed eight hundred thousand dollars, a fee of one
19 thousand forty-two dollars; when such paid-up capital stock exceeds
20 eight hundred thousand dollars but does not exceed nine hundred
21 thousand dollars, a fee of one thousand one hundred forty-four
22 dollars; when such paid-up capital stock exceeds nine hundred
23 thousand dollars but does not exceed one million dollars, a fee of
24 one thousand two hundred thirty-seven dollars; when such paid-up
25 capital stock exceeds one million dollars but does not exceed ten
26 million dollars, a fee of one thousand two hundred thirty-seven
27 dollars, and six hundred eighty-eight dollars additional for each
1 million or fraction thereof over and above one million dollars;
2 when such paid-up capital stock exceeds ten million dollars but
3 does not exceed fifteen million dollars, a fee of eleven thousand
4 one hundred sixty dollars; when such paid-up capital stock exceeds
5 fifteen million dollars but does not exceed twenty million dollars,
6 a fee of thirteen thousand six hundred thirty-four dollars; when
7 such paid-up capital stock exceeds twenty million dollars but does
8 not exceed twenty-five million dollars, a fee of sixteen thousand
9 one hundred seventeen dollars; when such paid-up capital stock
10 exceeds twenty-five million dollars but does not exceed fifty
11 million dollars, a fee of nineteen thousand two hundred fourteen
12 dollars; when such paid-up capital stock exceeds fifty million
13 dollars but does not exceed one hundred million dollars, a fee of
14 nineteen thousand eight hundred thirty-seven dollars; and when such
15 paid-up capital stock exceeds one hundred million dollars, a fee of
16 twenty-two thousand three hundred eleven dollars. The additional
17 minimum biennial fee for filing such report shall be twenty-four
18 dollars. For purposes of determining the fee, the stock of
19 corporations incorporated under the laws of any other state, which
20 corporations have domesticated in this state and which stock is
21 without par value, shall be deemed to have a par value of an amount
22 equal to the amount paid in as capital for such shares at the time
23 of the issuance thereof. The increased amounts collected under
24 this subsection shall be credited to the Cash Reserve Fund.

25 Sec. 2. Section 21-306, Revised Statutes Supplement,
26 2002, as amended by section 6, Legislative Bill 524, Ninety-eighth
27 Legislature, First Session, 2003, is amended to read:

- 1 21-306. Upon the filing of the biennial report required
- 2 under section 21-304 with the Secretary of State, it shall be the
- 3 duty of every foreign corporation for profit, doing business in
- 4 this state, to pay to the Secretary of State a biennial fee which

5 shall be for each even-numbered calendar year beginning January 1
6 and become due and assessable on March 1 of that year and become
7 delinquent if not paid by April 15 of each even-numbered year. The
8 fee shall be measured by the property employed by the foreign
9 corporation in the conduct of its business in the State of
10 Nebraska. For such purpose the property shall consist of the sum
11 total of the actual value of all real estate and personal property
12 employed in Nebraska by such foreign corporation in the transaction
13 of its business. The biennial fee to be paid by such foreign
14 corporation shall be based upon the sum so determined, and shall be
15 considered the capital stock of such foreign corporation in this
16 state for the purpose of the biennial fee. The schedule of payment
17 shall be double the fees set forth in section 21-303, or any
18 amendments thereto, except that the fee shall not exceed thirty
19 thousand dollars for all years other than calendar year 2004 and
20 fifty-seven thousand nine hundred dollars for calendar year 2004,
21 and the Secretary of State, or any person deputized by the
22 Secretary of State, shall have authority to investigate and obtain
23 information from such corporation or any state, county, or city
24 official. Such officers are authorized by this section to furnish
25 such information to the Secretary of State, or anyone deputized by
26 the Secretary of State, in order to determine all facts and give
27 effect to the collection of the biennial fee.

1 Sec. 3. Section 21-311, Reissue Revised Statutes of
2 Nebraska, as amended by section 7, Legislative Bill 524,
3 Ninety-eighth Legislature, First Session, 2003, is amended to read:
4 21-311. The Secretary of State shall make a report
5 monthly to the Tax Commissioner of the biennial fees collected
6 under sections 21-301 to 21-325 and shall pay the same into the
7 state treasury to the credit of the General Fund except as provided
8 in subsection (3) of section 21-303. The report shall include the
9 amount of any refunds paid out under section 21-328.

10 Sec. 4. Section 21-314, Reissue Revised Statutes of
11 Nebraska, as amended by section 9, Legislative Bill 524,
12 Ninety-eighth Legislature, First Session, 2003, is amended to read:
13 21-314. Such biennial fee or fees to be paid as provided
14 in sections 21-301 to 21-325 may be recovered by an action in the
15 name of the state and on collection shall be paid into the treasury
16 to the credit of the General Fund except as provided in subsection
17 (3) of section 21-303.

18 Sec. 5. Original sections 21-303, 21-311, and 21-314,
19 Reissue Revised Statutes of Nebraska, as amended by sections 3, 7,
20 and 9, respectively, Legislative Bill 524, Ninety-eighth
21 Legislature, First Session, 2003, and section 21-306, Revised
22 Statutes Supplement, 2002, as amended by section 6, Legislative
23 Bill 524, Ninety-eighth Legislature, First Session, 2003, are
24 repealed."

25 2. Correct the operative date section so that the
26 sections added by this amendment become operative on January 1,

27 2004.

- 1 3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 407. E & R amendment, AM7120, found on page 1597, was adopted.

Senator Erdman asked unanimous consent to withdraw his pending amendment, AM1801, found on page 1698, and replace it with his substitute amendment, AM1763. No objections. So ordered.

(Amendment, AM1763, is on file and available in the Clerk's Office, Room 2014.)

SPEAKER BROMM PRESIDING

Pending.

STANDING COMMITTEE REPORT Urban Affairs

LEGISLATIVE BILL 643. Placed on General File as amended.

Standing Committee amendment to LB 643:

AM1845

- 1 1. Strike original section 3 and insert the following
- 2 new sections:
- 3 "Sec. 3. Section 72-804, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 72-804. (1) Any new state building shall meet or exceed
- 6 the requirements of the ~~1998~~ 2000 International Energy Conservation
- 7 Code.
- 8 (2) Any new lighting, heating, cooling, ventilating, or
- 9 water heating equipment or controls in a state-owned building and
- 10 any new building envelope components installed in a state-owned
- 11 building shall meet or exceed the requirements of the ~~1998~~ 2000
- 12 International Energy Conservation Code.
- 13 (3) The State Building Administrator of the Department of
- 14 Administrative Services, in consultation with the State Energy
- 15 Office, may specify:
- 16 (a) A more recent edition of the International Energy
- 17 Conservation Code;
- 18 (b) Additional energy efficiency or renewable energy
- 19 requirements for buildings; and
- 20 (c) Waivers of specific requirements which are
- 21 demonstrated through life-cycle cost analysis to not be in the
- 22 state's best interest. The agency receiving the funding shall be
- 23 required to provide a life-cycle cost analysis to the State
- 24 Building Administrator.
- 1 Sec. 4. Section 72-806, Revised Statutes Supplement,

2 2002, is amended to read:

3 72-806. The enforcement provisions of Chapter 1 of the

4 ~~1998 2000~~ International Energy Conservation Code shall not apply to
5 buildings subject to sections 72-804 and 72-805.

6 Sec. 5. This act becomes operative on January 1, 2004.

7 Sec. 6. Original sections 71-6403 and 71-6405, Reissue

8 Revised Statutes of Nebraska, and sections 72-804 and 72-806,

9 Revised Statutes Supplement, 2002, are repealed."

10 2. On page 2, line 16, after "Act" insert "or as

11 otherwise authorized by state law".

12 3. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 103. Introduced by Kremer, 34.

PURPOSE: To study, examine, and review all provisions of the Petroleum Release Remedial Action Act. Such study shall include, but not be limited to, eligibility requirements, deductible amounts, and the petroleum release remedial action fee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 104. Introduced by Schrock, 38.

PURPOSE: The purpose of this study is to conduct an in-depth review of the scrap tire program as it currently exists in the State of Nebraska. The study will:

(1) Examine liability issues as those issues relate to tire dealers, tire haulers, and scrap tire processors;

(2) Examine the grant program to determine if expanding the grant program to include marketing-type programs and assistance to users of products produced from scrap tires;

(3) Examine the possibility of transferring responsibility for the grant program as it relates to scrap tires to the Nebraska Environmental Trust;

(4) Examine methods used to encourage recycling of scrap tires; and

(5) Examine methods used to encourage proper disposal of scrap tires.

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

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 760A. 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 760, Ninety-eighth Legislature, First Session, 2003.

MESSAGE FROM THE GOVERNOR

May 13, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 143, 143A, 160, 255, 305e, 358, 367, 500, 667, 667A, 724, 735, and 735A were received in my office on May 8, 2003. I signed these bills and they were delivered to the Secretary of State on May 13, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

VISITORS

Visitors to the Chamber were Tami Kubo from Winside; 25 fourth-grade students and teacher from Stolley Park Elementary School, Grand Island; 26 adults with the Friendship Force from Louisville, Kentucky and Lincoln; 35 third- through sixth-grade students and teachers from Zion Lutheran School, Hastings; 16 seventh- and eighth-grade students and teacher from Christ Lutheran School, Platte County; 63 fourth-grade students and teacher from St. Michael's School, Hastings; and 40 fourth-grade students and teachers from Norris Elementary School, Omaha.

RECESS

At 12:02 p.m., on a motion by Senator Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Bromm presiding.

ROLL CALL

The roll was called and all members were present except Senator Mines who was excused until he arrives.

SELECT FILE

LEGISLATIVE BILL 407. The Erdman pending amendment, AM1763, on file and referred to in this day's Journal, was renewed.

SENATOR CUDABACK PRESIDING

Senator Engel 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 28 ayes, 0 nays, and 21 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Erdman amendment lost with 15 ayes, 24 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 105. 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 farm, lawn, 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 fertilizer;

(4) An examination of whether 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee and 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 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 106. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to review integrated pest management practices in schools and other buildings or areas where children are present and also examine particular pesticide notification requirements in these settings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 107. Introduced by Vrtiska, 1.

PURPOSE: To study the Nebraska Workers' Compensation Act. The study shall entail an examination of the act as a whole and whether any provisions should be revised or updated. The examination shall include study of the issues raised by workers' compensation legislation introduced in the Ninety-eighth Legislature, First Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 108. Introduced by Vrtiska, 1.

PURPOSE: To study Nebraska's unemployment compensation laws relating to benefits eligibility. Specifically, an examination shall be done of the statutes that allow a worker to collect unemployment benefits even if that worker has been discharged for misconduct or if the worker terminated employment without good cause. The study shall further include examination of the state's disqualification provisions and the positive and negative prospects of changing to a "requalification" system of unemployment benefit determination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 109. Introduced by Vrtiska, 1.

PURPOSE: To study the administrative function of the Nebraska Workers' Compensation Court. The study shall include an examination of the court's judicial and administrative duties, the appropriate mechanism for enforcing the court's administrative provisions, and other issues raised by LB 198, introduced in 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 110. Introduced by Vrtiska, 1.

PURPOSE: To study the issues surrounding Professional Employer Organizations and employee leasing companies. The study shall include, but not be limited to, matters raised by LB 196 and LB 631, introduced in 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 111. Introduced by Vrtiska, 1.

PURPOSE: To review the collective bargaining statutes of Nebraska, specifically the State Employees Collective Bargaining Act, for any adjustments and changes which could be made to improve the collective bargaining requirements, rules, process, and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 112. Introduced by Vrtiska, 1.

PURPOSE: To study the programs and funds administered by the Department of Labor. The study shall include examination of each program and fund to determine program viability and fund solvency.

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

SELECT FILE

LEGISLATIVE BILL 407. Senator Raikes renewed his pending amendment, AM1802, found on page 1699.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Raikes 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 cease debate.

Voting in the affirmative, 41:

Aguilar	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Thompson
Bourne	Engel	Kremer	Price	Tyson
Brashear	Erdman	Kruse	Quandahl	Vrtiska
Bromm	Foley	Landis	Raikes	
Brown	Friend	Louden	Redfield	
Burling	Hartnett	McDonald	Schrock	
Byars	Hudkins	Mines	Smith	

Voting in the negative, 3:

Chambers	Preister	Schimek

Present and not voting, 5:

Cudaback	Jensen	Maxwell	Synowiecki	Wehrbein

The motion to cease debate prevailed with 41 ayes, 3 nays, and 5 present and not voting.

The Chair declared the call raised.

The Raikes amendment was adopted with 26 ayes, 19 nays, and 4 present and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 113. Introduced by Schrock, 38.

PURPOSE: The purpose of this resolution is to study the Game and Parks Commission's ability to generate revenue to pay for road construction as well as programs associated with boating.

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

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

LEGISLATIVE RESOLUTION 114. Introduced by Schimek, 27; Friend, 10; Hartnett, 45.

PURPOSE: The purpose of this resolution is for the Urban Affairs Committee of the Legislature to study the cost effectiveness of upgrading the Nebraska Building Energy Conservation Standard. The current standard is the Model Energy Code, 1983 Edition, of the Council of American Building Officials. The latest national energy standard is the 2003 International Energy Conservation Code as developed by the International Code Council. Nebraska consumers are requesting more energy efficiency and environmental standards in new construction. Therefore, the University of Nebraska is completing a statewide study of the cost effectiveness of upgrading Nebraska's energy building standards. The results of that study will be the foundation for the Urban Affairs Committee to determine whether Nebraska should upgrade the Nebraska Building Energy Conservation Standard.

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

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 410:
AM1711

(Amendments to Standing Committee amendments, AM1347)

- 1 1. Insert the following new section:
- 2 "Sec. 10. Section 81-1114, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-1114. The building division shall have the following
- 5 powers, duties, and responsibilities:
- 6 (1) Shall prepare, for submittal to the Governor and to
- 7 the office of the Legislative Fiscal Analyst, analyses of the cost
- 8 of every desired land and building acquisition, new building
- 9 construction, either underway or proposed, major repair or
- 10 remodeling of new, newly acquired, or existing buildings, and each
- 11 and every structural improvement to land, utilities, roads, walks,
- 12 and parking lots, costing four hundred thousand dollars or more,
- 13 but excluding right-of-way projects of the Department of Roads.
- 14 The Department of Administrative Services shall adjust the dollar
- 15 amount in this section every four years beginning January 1, 2002,
- 16 to account for inflationary and market changes. The adjustment
- 17 shall be based on percentage changes in a construction cost index
- 18 and any other published index relevant to operations and utilities
- 19 costs, as selected by the department;
- 20 (2) Shall record the relationship between the proposed
- 21 capital facilities and the individual or departmental agencies'
- 22 operating programs with particular attention to needs of immediate
- 23 or future operations of the department or agency submitting such
- 1 plan;
- 2 (3) Shall make recommendations to the Governor, the
- 3 committee of the Legislature which shall from time to time have
- 4 responsibility for preparing recommendations for appropriations,
- 5 and the individual department or agency concerned, on the probable
- 6 costs of such acquisition, construction, repair, or remodeling; and
- 7 (4) Shall require the submission by each department and
- 8 agency of the state of copies of all written contracts for
- 9 acquisition, construction, repair, or remodeling, including federal
- 10 contracts, before such contracts are executed by the executive
- 11 officer of the state authorized to execute such contracts, and
- 12 shall file maintain copies of such contracts in the office of on
- 13 file for inspection by the Legislative Fiscal Analyst."
- 14 2. On page 17, line 1, after "Original" insert "section
- 15 81-1114, Reissue Revised Statutes of Nebraska, and".
- 16 3. Renumber the remaining sections accordingly.

Senator Wehrbein filed the following amendment to LB 440:
AM1781

(Amendments to AM1661)

- 1 1. Insert the following new section:

2 "Sec. 3. Section 77-27,137.01, Reissue Revised Statutes
3 of Nebraska, is amended to read:
4 77-27,137.01. (1) The appropriation provided for in
5 section 77-27,136 for aid to incorporated municipalities shall be
6 allocated by the Tax Commissioner to the various incorporated
7 municipalities. The Tax Commissioner shall determine the amount to
8 be distributed to the incorporated municipalities and certify such
9 amounts by voucher to the Director of Administrative Services.
10 Each amount shall be distributed in seven as nearly as possible
11 equal monthly payments on the last business day of each month
12 beginning in December. The State Treasurer shall, on the business
13 day preceding the last business day of each month, notify the
14 Director of Administrative Services of the amount of funds
15 available in the General Fund for payment purposes. The Director
16 of Administrative Services shall, on the last business day of each
17 month, draw warrants against funds appropriated. The Except as
18 provided in subsection (2) of this section, the Tax Commissioner
19 shall compute the amount due the incorporated municipalities on the
20 ratio of the population of the particular incorporated municipality
21 to the total population of all incorporated municipalities in the
22 state as determined by the most recent federal census figures
23 certified by the Tax Commissioner as provided in section 77-3,119,
1 which amounts shall be placed in the general fund of such
2 municipalities.
3 (2) For fiscal years 2003-04 and 2004-05, the allocation
4 of state aid provided for in subsection (1) of this section shall
5 be calculated based on the amount appropriated plus an additional
6 five hundred twenty thousand dollars, and the amount of state aid
7 calculated for a city of the primary class shall be reduced by the
8 amount received by the city of the primary class under the
9 Municipal Infrastructure Redevelopment Fund Act for fiscal years
10 2003-04 and 2004-05. Beginning with fiscal year 2005-06, the
11 amount of aid to municipalities appropriated shall be increased by
12 five hundred twenty thousand dollars."
13 2. On page 7, line 24, after "Original" insert "section
14 77-27,137.01, Reissue Revised Statutes of Nebraska, and".
15 3. Renumber the remaining section accordingly.

Senator Wehrbein filed the following amendment to LB 798:
AM1835

- 1 1. On page 3, after line 8, insert the following new
2 subsection:
3 "(11) In addition to receiving transfers from other
4 funds, the Cash Reserve Fund shall receive federal funds received
5 by the State of Nebraska for undesignated general government
6 purposes, federal revenue sharing, or general fiscal relief of the
7 state."

Senator Thompson filed the following amendment to LB 408:

AM1849

(Amendments to E & R amendments, AM7125)

1 1. Insert the following new section:
2 "Sec. 4. Section 66-4,100, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 66-4,100. (1) The Highway Cash Fund and the Roads
5 Operations Cash Fund are hereby created. If bonds are issued
6 pursuant to subsection (2) of section 39-2223, the balance of the
7 share of the Highway Trust Fund allocated to the Department of
8 Roads and deposited into the Highway Restoration and Improvement
9 Bond Fund as provided in subsection (6) of section 39-2215 and the
10 balance of the money deposited in the Highway Restoration and
11 Improvement Bond Fund as provided in section 39-2215.01 shall be
12 transferred by the State Treasurer, on or before the last day of
13 each month, to the Highway Cash Fund. If no bonds are issued
14 pursuant to subsection (2) of section 39-2223, the share of the
15 Highway Trust Fund allocated to the Department of Roads shall be
16 transferred by the State Treasurer on or before the last day of
17 each month to the Highway Cash Fund.
18 (2) The Legislature may direct the State Treasurer to
19 transfer funds from the Highway Cash Fund to the Roads Operations
20 Cash Fund. ~~Both~~ Except as provided in subsection (4) of this
21 section, both funds shall be expended by the department ~~(4) (a)~~ for
22 acquiring real estate, road materials, equipment, and supplies to
23 be used in the construction, reconstruction, improvement, and
24 1 maintenance of state highways, ~~(2) (b)~~ for the construction,
2 reconstruction, improvement, and maintenance of state highways,
3 including grading, drainage, structures, surfacing, roadside
4 development, landscaping, and other incidentals necessary for
5 proper completion and protection of state highways as the
6 department shall, after investigation, find and determine shall be
7 for the best interests of the highway system of the state, either
8 independent of or in conjunction with federal-aid money for highway
9 purposes, ~~(3) (c)~~ for the share of the department of the cost of
10 maintenance of state aid bridges, ~~(4) (d)~~ for planning studies in
11 conjunction with federal highway funds for the purpose of analyzing
12 traffic problems and financial conditions and problems relating to
13 state, county, township, municipal, federal, and all other roads in
14 the state and for incidental costs in connection with the
15 federal-aid grade crossing program for roads not on state highways,
16 ~~(5) (e)~~ for tests and research by the department or proportionate
17 costs of membership, tests, and research of highway organizations
18 when participated in by the highway departments of other states,
19 and ~~(6) (f)~~ for the payment of expenses and costs of the Board of
20 Examiners for County Highway and City Street Superintendents as set
21 forth in section 39-2310.
22 (3) Any money in the Highway Cash Fund and the Roads
23 Operations Cash Fund not needed for current operations of the
24 department shall, as directed by the Director-State Engineer to the

- 25 State Treasurer, be invested by the state investment officer
 26 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 27 State Funds Investment Act, subject to approval by the board of
 1 each investment. All income received as a result of such
 2 investment shall be placed in the Highway Cash Fund.
 3 (4) The State Treasurer shall transfer thirty-three
 4 million eight hundred thousand dollars from the Roads Operations
 5 Cash Fund to the General Fund on or after December 1, 2003, but no
 6 later than December 10, 2003. The State Treasurer shall transfer
 7 thirty-three million eight hundred thousand dollars from the Roads
 8 Operations Cash Fund to the General Fund on or after December 1,
 9 2004, but no later than December 10, 2004."
 10 2. On page 17, line 11, after the first comma insert
 11 "66-4,100,".
 12 3. Renumber the remaining sections accordingly.

Senator Wehrbein filed the following amendment to LB 403A:
 AM1840

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

Senator Bourne filed the following amendment to LB 408:
 AM1825

(Amendments to E & R amendments, AM7125)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 66-4,100, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-4,100. (1) The Highway Cash Fund and the Roads
 5 Operations Cash Fund are hereby created. If bonds are issued
 6 pursuant to subsection (2) of section 39-2223, the balance of the
 7 share of the Highway Trust Fund allocated to the Department of
 8 Roads and deposited into the Highway Restoration and Improvement
 9 Bond Fund as provided in subsection (6) of section 39-2215 and the
 10 balance of the money deposited in the Highway Restoration and
 11 Improvement Bond Fund as provided in section 39-2215.01 shall be
 12 transferred by the State Treasurer, on or before the last day of
 13 each month, to the Highway Cash Fund. If no bonds are issued
 14 pursuant to subsection (2) of section 39-2223, the share of the
 15 Highway Trust Fund allocated to the Department of Roads shall be
 16 transferred by the State Treasurer on or before the last day of
 17 each month to the Highway Cash Fund.
 18 (2) The Legislature may direct the State Treasurer to
 19 transfer funds from the Highway Cash Fund to the Roads Operations
 20 Cash Fund. ~~Both~~ Except as provided in subsection (4) of this
 21 section, ~~both~~ funds shall be expended by the department ~~(4)~~ (a) for
 22 acquiring real estate, road materials, equipment, and supplies to
 23 be used in the construction, reconstruction, improvement, and
 1 maintenance of state highways, ~~(2)~~ (b) for the construction,

2 reconstruction, improvement, and maintenance of state highways,
 3 including grading, drainage, structures, surfacing, roadside
 4 development, landscaping, and other incidentals necessary for
 5 proper completion and protection of state highways as the
 6 department shall, after investigation, find and determine shall be
 7 for the best interests of the highway system of the state, either
 8 independent of or in conjunction with federal-aid money for highway
 9 purposes, ~~(3)~~ (c) for the share of the department of the cost of
 10 maintenance of state aid bridges, ~~(4)~~ (d) for planning studies in
 11 conjunction with federal highway funds for the purpose of analyzing
 12 traffic problems and financial conditions and problems relating to
 13 state, county, township, municipal, federal, and all other roads in
 14 the state and for incidental costs in connection with the
 15 federal-aid grade crossing program for roads not on state highways,
 16 ~~(5)~~ (e) for tests and research by the department or proportionate
 17 costs of membership, tests, and research of highway organizations
 18 when participated in by the highway departments of other states,
 19 and ~~(6)~~ (f) for the payment of expenses and costs of the Board of
 20 Examiners for County Highway and City Street Superintendents as set
 21 forth in section 39-2310.

22 (3) Any money in the Highway Cash Fund and the Roads
 23 Operations Cash Fund not needed for current operations of the
 24 department shall, as directed by the Director-State Engineer to the
 25 State Treasurer, be invested by the state investment officer
 26 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 27 State Funds Investment Act, subject to approval by the board of
 1 each investment. All income received as a result of such
 2 investment shall be placed in the Highway Cash Fund.

3 (4) The State Treasurer shall transfer six million
 4 dollars from the Roads Operations Cash Fund to the General Fund on
 5 or after December 1, 2003, but no later than December 10, 2003."

6 2. On page 17, line 11, after the first comma insert

7 "66-4,100,".

8 3. Renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 408:
 AM1826

(Amendments to E & R amendments, AM7125)

1 1. On page 15, after line 2 insert:

2 "The State Treasurer shall transfer four million one
 3 hundred thirty-five thousand fifty-seven dollars from the Nebraska
 4 Environmental Trust Fund to the General Fund on or after July 1,
 5 2003, but no later than July 10, 2003.".

SELECT FILE

LEGISLATIVE BILL 407. Senator Raikes renewed his pending amendment, AM1818, found on page 1715.

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

SENATOR SCHIMEK PRESIDING

The Raikes amendment lost with 9 ayes, 20 nays, 19 present and not voting, and 1 excused and not voting.

Senator Chambers renewed his pending amendment, AM1799, found on page 1715.

The Chambers amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Wehrbein offered the following amendment:
AM1750

(Amendments to Standing Committee amendments, AM1111)

- 1 1. PURPOSE: To incorporate the budgetary impact of LB
- 2 440 as amended by AM1661.
- 3 AMENDMENT:
- 4 a. On page 15, lines 2 and 3, strike each occurrence of
- 5 "3,050,000" and insert "520,000"; in lines 8 and 10 strike
- 6 "\$3,050,000" and insert "\$520,000"; and in lines 25 and 26 strike
- 7 each occurrence of "8,833,762" and insert "11,313,762".
- 8 b. On page 16, lines 1 and 3, strike "\$8,833,762" and
- 9 insert "\$11,313,762".
- 10 2. PURPOSE: Decrease General Funds for state aid
- 11 (TEEOSA) by \$552,762 for FY2003-04 and by \$566,582 for FY2004-05 to
- 12 reflect actual 2002 premium tax receipts used to offset General
- 13 Funds. Increase Cash Fund appropriation for the Private
- 14 Postsecondary Career Schools Program to reflect fee increases in LB
- 15 685.
- 16 AMENDMENT:
- 17 a. On page 17, strike line 18 and insert "GENERAL FUND
- 18 812,589,943 802,260,556"; strike line 19 and insert "CASH FUND
- 19 1,809,917 1,049,164"; strike line 22 and insert "PROGRAM TOTAL
- 20 1,021,137,461 1,011,229,837"; and in line 25 strike
- 21 "\$804,280,716" and insert "\$803,727,954".
- 22 b. On page 18, line 1, strike "\$793,749,767" and insert
- 23 "\$793,183,185"; in line 5 strike "\$634,468,344" and insert
- 1 "\$633,915,582"; and in line 10 strike "\$616,263,742" and insert
- 2 "\$615,697,160".
- 3 3. PURPOSE: Technical amendment to conform to
- 4 administrative reductions in LB 411.
- 5 AMENDMENT:
- 6 a. On page 39, strike lines 17 through 21 and insert:
- 7 "GENERAL FUND 46,597,913 47,806,799
- 8 CASH FUND 1,730,263 1,730,263
- 9 FEDERAL FUND est. 74,738,600 76,666,231

10 PROGRAM TOTAL	123,066,776	126,203,293
11 SALARY LIMIT	68,662,957	69,938,468".

12 4. PURPOSE: The intergovernmental transfer
 13 participation fee requires transfer language to provide funds
 14 returning to the trust fund be transferred to the Department of
 15 Health and Human Services Cash Fund so the funds can be expended.
 16 Appropriation amount is also adjusted to correct an error.

17 AMENDMENT:

18 a. On page 54, strike line 10 and insert "CASH FUND
 19 21,597,174 18,318,396"; strike line 12 and insert "PROGRAM TOTAL
 20 1,174,085,032 1,301,825,999"; in line 14 strike "\$20,892,174"
 21 and insert "\$21,597,174"; and in line 18 strike "\$17,613,396" and
 22 insert "\$18,318,396".

23 b. On page 159, after line 22 insert:

24 "(r) From the Nebraska Medicaid Intergovernmental Trust
 25 Fund (6264) to the Department of Health and Human Services Cash
 26 Fund (2260): \$352,500;"; in line 23 strike "(r)" and insert "(s);"
 27 and in line 26 strike "(s)" and insert "(t)".

1 c. On page 160, line 3, strike "(t)" and insert "(u);"
 2 in line 7 strike "(u)" and insert "(v); and in line 10 strike
 3 "(v)" and insert "(w)".

4 d. On page 162, after line 21 insert:

5 "(p) From the Nebraska Medicaid Intergovernmental Trust
 6 Fund (6264) to the Department of Health and Human Services Cash
 7 Fund (2260): \$352,500;"; in line 22 strike "(p)" and insert "(q);"
 8 and in line 25 strike "(q)" and insert "(r)".

9 e. On page 163, line 2, strike "(r)" and insert "(s);"
 10 in line 4 strike "(s)" and insert "(t); and in line 7 strike "(t)"
 11 and insert "(u)".

12 5. PURPOSE: To conform the appropriation to the intent
 13 language stating inpatient mental health rates will be held at the
 14 FY2002-03 rate.

15 AMENDMENT:

16 a. On page 54, strike line 9 and insert "GENERAL FUND
 17 416,751,984 476,760,382"; strike line 11 and insert "FEDERAL
 18 FUND est. 736,251,772 807,263,119"; strike line 12 and insert
 19 "PROGRAM TOTAL 1,173,895,930 1,301,636,897"; in line 14 strike
 20 "\$416,545,625" and insert "\$416,751,984"; in line 15 strike
 21 "\$735,942,233" and insert "\$736,251,772"; in line 17 strike
 22 "\$476,554,023" and insert "\$476,760,382"; and in line 18 strike
 23 "\$806,953,580" and insert "\$807,263,119".

24 6. PURPOSE: Increase estimated Cash Fund appropriation
 25 for the Board of Educational Lands and Funds to reflect the second
 26 payment of property taxes on school lands.

27 AMENDMENT:

1 a. On page 73, strike line 18 and insert "CASH FUND est.
 2 8,156,000 8,560,000"; and strike line 19 and insert "PROGRAM
 3 TOTAL 8,156,000 8,560,000".

SENATOR CUDABACK PRESIDING

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Wehrbein offered the following amendment:
AM1751

(Amendments to Standing Committee amendments, AM1111)

- 1 1. PURPOSE: Raise Cash Fund expenditure authority for
- 2 the Department of Natural Resources in anticipation of possible
- 3 grants from the Nebraska Environmental Trust Fund.
- 4 AMENDMENT:
- 5 a. On page 66, line 16, strike the first "5,000" and
- 6 insert "1,005,000"; and in line 17 strike the first "2,720,610" and
- 7 insert "3,720,610".
- 8 b. On page 67, line 2, strike "\$5,000" and insert
- 9 "\$1,005,000".
- 10 2. PURPOSE: Provide for additional cash funding of the
- 11 Nebraska Commission on the Status of Women and authorize
- 12 reappropriation of FY2002-03 unexpended General Fund appropriation.
- 13 AMENDMENT:
- 14 a. On page 79, line 9, strike the first "-0-" and
- 15 insert "25,000"; in lines 10 and 11 strike "15,000" and insert "40,000";
- 16 in line 13 strike "funds" and insert "General Funds"; and after
- 17 line 17 insert:
- 18 "The unexpended General Fund appropriation balance
- 19 existing on June 30, 2003, is hereby reappropriated.".
- 20 3. PURPOSE: Increase the salary limit for Agency 48 --
- 21 Coordinating Commission for Postsecondary Education, Program 297
- 22 (Math/Science Grant Program) by increasing the salary expenditure
- 23 authority for federal grant program administration by \$5,118 for
- 1 FY2003-04 and by \$5,221 for FY2004-05.
- 2 AMENDMENT:
- 3 a. On page 88, line 13, strike "10,150" and insert
- 4 "15,268" and strike "10,353" and insert "15,574".
- 5 4. PURPOSE: Increase the salary limit for Agency 48 --
- 6 Coordinating Commission for Postsecondary Education, Program 640
- 7 (Postsecondary Education Coordination) by increasing the salary
- 8 expenditure authority for agency operating budget by \$16,960 for
- 9 FY2003-04 and by \$20,460 for FY2004-05.
- 10 AMENDMENT:
- 11 a. On page 90, line 10, strike "654,963" and insert
- 12 "671,923" and strike "668,406" and insert "688,866".

Senator Wehrbein offered the following amendment to his pending amendment:

AM1860

(Amendments to AM1751)

- 1 1. On page 1, line 15, strike "25,000" and insert

2 "50,000"; and strike "40,000" and insert "65,000".

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

The Wehrbein amendment, as amended, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Brashear offered the following amendment:
AM1827

(Amendments to Standing Committee amendments, AM1111)

- 1 Purpose: Increase funding for early childhood education
- 2 projects to change 10% reduction to 5% reduction.
- 3 Amendment:
- 4 1. On page 17, strike line 18 and insert "GENERAL FUND
- 5 813,259,215 802,943,648"; strike line 22 and insert "PROGRAM
- 6 TOTAL 1,021,756,135 1,011,862,331"; and in line 25 strike
- 7 "\$804,280,716" and insert "\$804,397,226".
- 8 2. On page 18, line 1, strike "\$793,749,767" and insert
- 9 "\$793,866,277"; and in lines 25 and 26 strike "\$2,097,180" and
- 10 insert "\$2,213,690".

The Brashear amendment lost with 6 ayes, 22 nays, 20 present and not voting, and 1 excused and not voting.

Senator Dw. Pedersen offered the following amendment:
AM1563

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 80, strike line 21 and insert "GENERAL FUND
- 2 129,905,594 135,821,679"; and strike line 25 and insert "PROGRAM
- 3 TOTAL 152,212,746 158,362,092".

Senator Dw. Pedersen asked unanimous consent to withdraw his pending amendment, AM1563, found in this day's Journal, and replace it with his substitute amendment, AM1778. No objections. So ordered.

AM1778

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 80, strike line 21 and insert "GENERAL FUND
- 2 123,566,143 126,702,410"; and strike line 25 and insert "PROGRAM
- 3 TOTAL 145,873,295 149,242,823".
- 4 2. On page 82, after line 1 insert:
- 5 "There is included in the appropriation to this program
- 6 for FY2003-04 \$2,779,818 General Funds to operate the Lincoln
- 7 Correctional Center until October 1, 2003. There is included in
- 8 the appropriation to this program for FY2004-05 \$-0- General Funds
- 9 to operate the Lincoln Correctional Center as a correctional
- 10 facility.
- 11 There is included in the appropriation to this program
- 12 for FY2003-04 \$1,000,000 General Funds to expand parole

13 supervision. There is included in the appropriation to this
14 program for FY2004-05 \$1,000,000 General Funds to expand parole
15 supervision."

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

SENATOR VRTISKA PRESIDING

Senator D. Pederson offered the following amendment to the Dw. Pedersen pending amendment:

FA1357

Amend AM1778

By deleting Oct. 1, 2003 on line 7 and replace it by Oct. 1, 2004.

Senator Kremer asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Janssen 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 D. Pederson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The D. Pederson amendment was adopted with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator D. Pederson offered the following amendment to the Dw. Pedersen pending amendment:

FA1358

Amend AM1778

On page 1, in line 2, strike "123,566,143 126,702,410" and insert "130,905,594 129,482,228"; in line 3, strike "145,873,295 149,242,823" and insert "153,212,746 152,022,641"; strike beginning with "There" in line 5 through the period in line 7; in line 8, strike "0" and insert "2,779,818"; strike beginning with "There" in line 11 through the period in line 13.

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The D. Pederson amendment was adopted with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

The Dw. Pedersen pending amendment, AM1778, found in this day's Journal, as amended, was renewed.

Senator Stuthman 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 Dw. Pedersen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Schimek requested a roll call vote on the Dw. Pedersen amendment, as amended.

Voting in the affirmative, 29:

Aguilar	Combs	Friend	Landis	Redfield
Bourne	Connealy	Hartnett	McDonald	Stuhr
Bromm	Cudaback	Janssen	Mines	Stuthman
Burling	Cunningham	Jensen	Pedersen, Dw.	Synowiecki
Byars	Engel	Johnson	Pederson, D.	Tyson
Chambers	Erdman	Jones	Quandahl	

Voting in the negative, 8:

Beutler	Mossey	Schrock	Thompson
Foley	Raikes	Smith	Wehrbein

Present and not voting, 10:

Baker	Brown	Kruse	Maxwell	Schimek
Brashear	Hudkins	Louden	Price	Vrtiska

Excused and not voting, 2:

Kremer	Preister

The Dw. Pedersen amendment, as amended, was adopted with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 407:
AM1874

(Amendments to Standing Committee amendments, AM1111)

- 1 1. Purpose: Maintain funding for special education at
 2 the FY2002-03 level.
 3 Amendment:
 4 1. On page 17, strike line 18 and insert
 5 "GENERAL FUND 805,834,464 787,845,244"
 6 strike line 22 and insert
 7 "PROGRAM TOTAL 1,014,331,384 996,763,927"
 8 and in line 25 strike "\$804,280,716" and insert "\$796,972,475".
 9 2. On page 18, line 1, strike "\$793,749,767" and insert
 10 "\$778,767,873"; in line 16 strike "\$153,473,068" and insert
 11 "\$146,164,827"; and in line 18 strike "\$161,146,721" and insert
 12 "\$146,164,827".

Senator Wehrbein filed the following amendment to LB 407:
 AM1870

- 1 1. In the Standing Committee amendments, AM1111:
 2 a. On page 91, strike line 3 and insert:
 3 "GENERAL FUND 33,973,180 35,133,417"
 4 and strike line 7 and insert:
 5 "PROGRAM TOTAL 72,730,241 73,890,478"
 6 b. On page 92, line 12, strike "\$45,063" and insert
 7 "\$42,555" and strike "\$46,085" and insert "\$42,044"; and in line 22
 8 strike "\$3,282,831" and insert "\$3,196,295" and strike "\$3,053,126"
 9 and insert "\$3,157,912"; and
 10 c. On page 132, strike lines 3 and 4 and insert:
 11 "GENERAL FUND 41,050,005 41,614,714
 12 PROGRAM TOTAL 41,050,005 41,614,714"
 13 and strike lines 16 and 17 and insert:
 14 "GENERAL FUND 20,525,002 20,807,357
 15 PROGRAM TOTAL 20,525,002 20,807,357".
 16 2. In the E & R amendments, AM7120:
 17 a. On page 2, lines 8 and 9, strike "398,336,569" and
 18 insert "388,115,634"; in lines 8 and 9 strike "407,450,281" and
 19 insert "397,189,539"; in line 20 strike "\$2,198,541" and insert
 20 "\$2,139,725"; and in line 21 strike "\$2,223,470" and insert
 21 "\$2,189,750".
 22 b. On page 3, line 2, strike "\$10,899,636" and insert
 23 "\$10,864,998"; in line 3 strike "\$10,749,535" and insert
 24 "\$11,119,015"; in line 8 strike "\$296,062" and insert "\$295,121";
 1 in line 9 strike "\$10,899,636" and insert "\$10,864,998" and strike
 2 "\$291,985" and insert "\$302,021"; and in line 10 strike
 3 "\$10,749,535" and insert "\$10,276,140";
 4 c. On page 4, line 19, strike "\$10,899,636" and insert
 5 "\$10,864,998"; and
 6 d. On page 5, line 1 strike "\$563,432" and insert
 7 "\$561,641"; in line 4 strike "\$555,673" and insert "\$574,772"; in
 8 line 18 strike "\$35,717,015" and insert "\$35,603,508"; and in line
 9 19 strike "\$35,225,149" and insert "\$36,435,896".

Senator Vrtiska filed the following amendment to LB 806:
AM1869

(Amendments to E & R amendments, AM7123)

- 1 1. On page 13, strike beginning with "lump-sum" in line
- 2 10 through "and" in line 11 and insert "settlements"; after line 18
- 3 insert
- 4 "Workers' Compensation Settlement and Judgment, pay to
- 5 Greg Penner and Lee Loudon, Attorney,
- 6 7441 O Street, Suite 203, Lincoln, NE 68510,
- 7 out of the Workers'
- 8 Compensation Claims Revolving Fund. 24,624.28";
- 9 in line 19 strike "claim" and insert "claims"; and in lines 23 and
- 10 24 strike "21,676.64" and insert "46,300.92".

Senator Jensen filed the following amendment to LB 407:
AM1872

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 3, line 27, after "Funds" insert "from the
- 2 Nebraska Health Care Cash Fund".
- 3 2. On page 33, line 27, after "licensing" insert "from
- 4 the Nebraska Health Care Cash Fund".
- 5 3. On page 34, line 3, after "licensing" insert "from
- 6 the Nebraska Health Care Cash Fund".
- 7 4. On page 57, lines 15 and 16, strike each occurrence
- 8 of "8,580,000" and insert "8,180,000"; and in lines 18 and 20
- 9 strike "\$8,580,000" and insert "\$8,180,000".
- 10 5. On page 58, line 15, strike "statewide"; and strike
- 11 lines 18 through 27 and insert:
- 12 "There is included in the appropriation to this program
- 13 for FY2003-04 \$1,000,000 Cash Funds from the Nebraska Health Care
- 14 Cash Fund for state aid for federally qualified health centers in a
- 15 congressional district with a minority population of greater than
- 16 seventy-five thousand inhabitants. There is included in the
- 17 appropriation to this program for FY2004-05 \$1,000,000 Cash Funds
- 18 from the Nebraska Health Care Cash Fund for state aid for federally
- 19 qualified health centers in a congressional district with a
- 20 minority population of greater than seventy-five thousand
- 21 inhabitants.
- 22 Such funds shall be distributed as follows: Seventy
- 23 percent to federally qualified health centers which serve primarily
- 1 African Americans and thirty percent to federally qualified health
- 2 centers which serve primarily Spanish-speaking persons and Native
- 3 Americans. Such funds shall be used for the purpose of
- 4 implementing a minority health initiative which may target, but
- 5 shall not be limited to, infant mortality, cardiovascular disease,
- 6 obesity, diabetes, and asthma."
- 7 6. On page 59, strike line 1.

Senator Raikes filed the following amendment to LB 798:

AM1674

- 1 1. On page 3, strike lines 3 through 8.
- 2 2. In the Standing Committee amendments, on page 1, in
- 3 lines 4 and 12 strike "(9)" and insert "(7)"; and in line 10 strike
- 4 "(10)" and insert "(8)".

Senator Smith filed the following amendment to LB 407:

AM1884

(Amendments to Standing Committee amendments, AM1111)

- 1 Purpose: To add funding for federally qualified health centers in
- 2 shortage areas.
- 3 Amendment:
- 4 1. On page 57, strike lines 15 and 16 and insert:
- 5 "GENERAL FUND 8,805,000 8,930,000
- 6 PROGRAM TOTAL 8,805,000 8,930,000".
- 7 2. On page 58, line 23, after the period insert:
- 8 "There is included in the appropriation to this program
- 9 for FY2003-04 \$225,000 Cash Funds for state aid for federally
- 10 qualified health centers in any congressional district containing
- 11 communities with Medically Underserved Areas or Populations or
- 12 Health Professional Shortage Area designations by the Health
- 13 Resources and Services Administration.".
- 14 3. On page 59, line 1, after the period insert:
- 15 "There is included in the appropriation to this program
- 16 for FY2004-05 \$350,000 Cash Funds for state aid for federally
- 17 qualified health centers in any congressional district containing
- 18 communities with Medically Underserved Areas or Populations or
- 19 Health Professional Shortage Area designations by the Health
- 20 Resources and Services Administration.".

Senator Brashear filed the following amendment to LB 407:

AM1885

(Amendments to AM1750)

- 1 1. On page 1, line 2, before the period insert "and
- 2 AM1883"; strike line 7 and insert "the first occurrence of
- 3 '8,833,762' and insert '5,080,000' and strike and second occurrence
- 4 of '8,833,762' and insert '3,380,000'."; and strike beginning with
- 5 "lines" in line 8 through line 9 and insert "line 1, strike
- 6 '\$8,833,762' and insert '\$5,080,000'; and in line 3 strike
- 7 '\$8,833,762' and insert '\$3,380,000'.".

Senator Brashear filed the following amendment to LB 440:

AM1883

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 77-27,137.01, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 77-27,137.01. (1) The appropriation provided for in
- 5 section 77-27,136 for aid to incorporated municipalities shall be
- 6 allocated by the Tax Commissioner to the various incorporated

7 municipalities. The Tax Commissioner shall determine the amount to
 8 be distributed to the incorporated municipalities and certify such
 9 amounts by voucher to the Director of Administrative Services.
 10 Each amount shall be distributed in seven as nearly as possible
 11 equal monthly payments on the last business day of each month
 12 beginning in December. The State Treasurer shall, on the business
 13 day preceding the last business day of each month, notify the
 14 Director of Administrative Services of the amount of funds
 15 available in the General Fund for payment purposes. The Director
 16 of Administrative Services shall, on the last business day of each
 17 month, draw warrants against funds appropriated. The Tax
 18 Commissioner shall compute the amount due the incorporated
 19 municipalities on the ratio of the population of the particular
 20 incorporated municipality to the total population of all
 21 incorporated municipalities in the state as determined by the most
 22 recent federal census figures certified by the Tax Commissioner as
 23 provided in section 77-3,119, which amounts shall be placed in the
 24 general fund of such municipalities.

1 (2) Each fiscal year, the Tax Commissioner shall
 2 determine the amount of additional sales and use tax revenue raised
 3 by each municipality under the Local Option Revenue Act as a result
 4 of changes in section 77-2702.07 made by Legislative Bill 759,
 5 Ninety-eighth Legislature, First Session, 2003. On June 30 of each
 6 year, each municipality shall rebate to the Tax Commissioner an
 7 amount equal to the lesser of the amount of additional sales and
 8 use tax revenue so raised and the amount of aid distributed
 9 pursuant to this section."

10 2. Renumber the remaining sections accordingly.

Senators Schimek and Raikes filed the following amendment to LB 407:
 AM1834

(Amendments to Standing Committee amendments, AM1111)

1 Purpose: Eliminate funding for the Norfolk Regional Center.

2 Amendment:

3 1. On page 42, strike lines 9 through 13 and insert:

4 "GENERAL FUND	38,931,838	39,545,395
5 CASH FUND	2,496,491	2,585,050
6 FEDERAL FUND est.	7,279,129	7,517,317
7 PROGRAM TOTAL	48,167,458	49,647,762
8 SALARY LIMIT	29,040,798	29,589,720".

Senators Beutler, Bromm, and D. Pederson filed the following amendment
 to LB 407:

AM1881

1 1. In the Standing Committee amendments, AM1111:

2 a. On page 17, strike line 18 and insert

3 "GENERAL FUND 803,142,705 792,827,138"

4 strike line 22 and insert

5 "PROGRAM TOTAL 1,011,639,625 1,001,745,821"

6 and in line 25 strike "\$804,280,716" and insert "\$794,280,716".

7 b. On page 18, line 1, strike "\$793,749,767" and insert
8 "\$783,749,767"; in line 5 strike "\$634,468,344" and insert
9 "\$624,468,344"; and in line 10 strike "\$616,263,742" and insert
10 "\$606,263,742".

11 c. On page 91, strike line 3 and insert:

12 "GENERAL FUND	34,416,556	35,583,490"

13 and strike line 7 and insert:

14 "PROGRAM TOTAL	73,173,617	74,340,551"

15 d. On page 92, line 12, strike "\$45,063" and insert

16 "\$43,112" and strike "\$46,085" and insert "\$42,601"; and in line 22

17 strike "\$3,282,831" and insert "\$3,238,168" and strike "\$3,053,126"

18 and insert "\$3,199,784"; and

19 e. On page 132, strike lines 3 and 4 and insert:

20 "GENERAL FUND	41,584,371	42,135,776

21 PROGRAM TOTAL	41,584,371	42,135,776"

22 and strike lines 16 and 17 and insert:

23 "GENERAL FUND	20,792,185	21,067,888

24 PROGRAM TOTAL	20,792,185	21,067,888".

1 2. In the E & R amendments, AM7120:

2 a. On page 2, lines 8 and 9, strike "398,336,569" and

3 insert "393,119,402"; in lines 8 and 9 strike "407,450,281" and

4 insert "402,233,114"; in line 20 strike "\$2,198,541" and insert

5 "\$2,167,011"; and in line 21 strike "\$2,223,470" and insert

6 "\$2,217,037".

7 b. On page 3, line 2, strike "\$10,899,636" and insert

8 "\$11,003,552"; in line 3 strike "\$10,749,535" and insert

9 "\$11,257,569"; in line 8 strike "\$296,062" and insert "\$298,885";

10 in line 9 strike "\$10,899,636" and insert "\$11,003,552" and strike

11 "\$291,985" and insert "\$305,784"; and in line 10 strike

12 "\$10,749,535" and insert "\$11,257,569";

13 c. On page 4, line 19, strike "\$10,899,636" and insert

14 "\$11,003,552"; and

15 d. On page 5, line 1 strike "\$563,432" and insert

16 "\$568,804"; in line 4 strike "\$555,673" and insert "\$581,935"; in

17 line 18 strike "\$35,717,015" and insert "\$36,057,537"; and in line

18 19 strike "\$35,225,149" and insert "\$36,889,925".

RESOLUTION

LEGISLATIVE RESOLUTION 115. Introduced by Price, 26;
Dw. Pedersen, 39.

PURPOSE: To study the fiscal impact and costs associated with local and long-distance phone calls made by inmates under the supervision of the Department of Correctional Services.

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

VISITORS

Visitors to the Chamber were 65 fourth-grade students and teachers from Hillrise Elementary School, Elkhorn; 11 eighth-grade students and teacher from Zion Lutheran School, Pierce; 50 fourth-grade students and teachers from Arbor Park Elementary School, Blair; 64 fourth- and fifth-grade students and teachers from Jesuit Middle School, Omaha; 6 kindergarten through sixth-grade students, teacher, and sponsors from Antelope Valley School District 44, Hay Springs; and Derek and Lisa Winterstien from Lincoln.

ADJOURNMENT

At 7:51 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, May 14, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 14, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 14, 2003

PRAYER

The prayer was offered by Pastor Seth Leypoldt, Bradshaw and Aurora United Methodist Churches, Aurora, 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.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

MESSAGE FROM THE GOVERNOR

May 9, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been reappointed to the Power Review Board.

APPOINTEE:

Mark Hunzeker, 4645 Union Hill Rd, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns

Governor

say/

SELECT FILE

LEGISLATIVE BILL 407. Senator Wehrbein asked unanimous consent to withdraw his pending amendment, AM1874, found on page 1763, and replace it with the Bromm et al. substitute pending amendment, AM1881, found on page 1767. No objections. So ordered.

Senator Raikes offered the following amendment to the Bromm et al. pending amendment:

FA1359

Amend AM1881

On page 1, strike line 3 and insert "General Fund 805,142,705 794,827,138"; strike line 5 and insert "Program Total 1,013,639,625 1,003,745,821"; in line 6 strike "\$794,280,716" and insert "\$796,280,716"; in line 8 strike "\$783,749,767" and insert "\$785,749,767"; in line 9 strike "\$624,468,344" and insert "\$626,468,344"; in line 10 strike "\$606,263,742" and insert "\$608,263,742".

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.

The Raikes amendment was adopted with 32 ayes, 7 nays, and 10 present and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hunzeker, Mark - Power Review Board - Natural Resources

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 117. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to study the state's speed limits as well as the fine schedule and enforcement of such speed limits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 118. Introduced by Baker, 44.

PURPOSE: To study issues relating to unsolicited electronic mail, including, but not limited to, the possibility of an opt-out system similar to that used by other types of direct marketing and related activities in other states and on the federal level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 119. Introduced by Baker, 44.

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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 120. Introduced by Baker, 44.

PURPOSE: To review state and federal 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 121. Introduced by Schrock, 38.

PURPOSE: The Livestock Waste Management Act, passed in 1998, established fees to be collected by the Department of Environmental Quality for inspection requests of livestock operations and review of permit applications for livestock waste control facilities. Since the act's implementation, the annual fees received have been significantly less than expected. This interim study will evaluate the act's statutory fee structure to determine if changes are necessary to provide the department with adequate funding for the administration of the act.

In addition, this study will review the new federal Environmental Protection Agency Concentrated Animal Feeding Operation rules and examine what impact those rules may have on the federal agency's livestock waste management activities and resources.

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

SELECT FILE

LEGISLATIVE BILL 407. The Bromm et al. pending amendment, AM1881, found on page 1767 and considered in this day's Journal, as amended, was renewed.

SENATOR VRTISKA PRESIDING

SENATOR CUDABACK PRESIDING

Senator Beutler 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 Bromm moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Bromm et al. amendment, as amended, was adopted with 33 ayes, 13 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator Jensen withdrew his pending amendment, AM1872, found on page 1765.

Senator Smith renewed his pending amendment, AM1884, found on page 1766.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 122. 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 than operations, thus allowing the refined motor fuel to be sold at subsidized prices. Such subsidies most commonly occur in one of three ways: (1) When refiners use profits from refining crude oil to cover below-normal or negative returns earned from motor fuel marketing operations, (2) when 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 (3) when 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 a review of the long-term effects on the competitive market of the pricing of 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, the study shall include the feasibility of prohibiting the pricing of motor fuel, an infinite resource, to be used as a loss-leader product.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 123. Introduced by Janssen, 15.

PURPOSE: The purpose of this study is to determine the feasibility of implementing the provisions of the Master Settlement Agreement Protection Act, as introduced in LB 783 in the 2003 Legislative Session.

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

AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 73:
AM1744

(Amendments to Standing Committee amendments, AM0304)

1 1. Insert the following new sections:

2 "Sec. 10. Section 44-704, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-704. (1) Except as provided in subsection (2) of this
5 section, no policy of insurance shall be issued upon the person of
6 any individual except upon the application of the individual
7 insured or with the written consent of the individual insured.

8 Nothing in this section shall be deemed to prohibit the immediate

9 transfer or assignment of a life insurance policy or annuity
10 contract so issued.

11 (2) Notwithstanding the provisions of subsection (1) of
12 this section, (a) a husband or wife may effectuate a policy of
13 insurance upon the person of the other and (b) any person may
14 effectuate a policy of insurance upon the person of a child.

15 (3) The term policy of insurance as used in this section
16 shall include any life insurance policy, annuity contract, and
17 contract of sickness and accident insurance but shall not include a
18 contract of group life insurance or a contract of blanket or group
19 sickness and accident insurance.

20 (4) Nothing in Chapter 44 shall prohibit an organization
21 or entity described in section 501(c)(3) of the Internal Revenue
22 Code or to whom a charitable contribution could be made under
23 section 170(c) of the code or a trust all of whose beneficiaries
1 are organizations or entities described in section 501(c)(3) of the
2 code or to whom a charitable contribution could be made under
3 section 170(c) of the code from procuring, effectuating, or causing
4 to be procured or effectuated the ownership of any life insurance
5 policy or annuity contract upon the life of an individual if such
6 individual gives written consent to the issuance of such policy or
7 contract when such organization, entity, or trust is the ~~original~~
8 owner of such policy or contract. Nothing in Chapter 44 shall
9 require such organization, entity, or trust to have an insurable
10 interest as defined in section 44-103 in the life of such
11 individual in order for a policy or contract to be procured or
12 effectuated pursuant to this subsection. This subsection shall
13 apply to all policies and contracts in force on or after April 16,
14 1992. The changes made to this subsection by this legislative bill
15 shall apply to all policies and contracts in force on or after the
16 effective date of this act.

17 (5) Except as provided in subsection (4) of this section,
18 nothing in this section shall be construed to permit a person to
19 procure, effectuate, or cause to be procured or effectuated,
20 directly or by assignment or otherwise, any policy of insurance
21 upon the person of a child or other individual unless the benefits
22 under such policy are payable to the child or other individual
23 insured, to his or her personal representative, or to a person
24 having, at the time such policy is issued, an insurable interest in
25 the child or other individual insured.

26 Sec. 11. Original section 44-704, Reissue Revised
27 Statutes of Nebraska, is repealed."

1 2. Insert underscoring in the original sections.

Senator Quandahl filed the following amendment to LB 125:
AM1743

1 1. Insert the following new section:

2 "Sec. 2. Section 44-704, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-704. (1) Except as provided in subsection (2) of this
5 section, no policy of insurance shall be issued upon the person of
6 any individual except upon the application of the individual
7 insured or with the written consent of the individual insured.
8 Nothing in this section shall be deemed to prohibit the immediate
9 transfer or assignment of a life insurance policy or annuity
10 contract so issued.

11 (2) Notwithstanding the provisions of subsection (1) of
12 this section, (a) a husband or wife may effectuate a policy of
13 insurance upon the person of the other and (b) any person may
14 effectuate a policy of insurance upon the person of a child.

15 (3) The term policy of insurance as used in this section
16 shall include any life insurance policy, annuity contract, and
17 contract of sickness and accident insurance but shall not include a
18 contract of group life insurance or a contract of blanket or group
19 sickness and accident insurance.

20 (4) Nothing in Chapter 44 shall prohibit an organization
21 or entity described in section 501(c)(3) of the Internal Revenue
22 Code or to whom a charitable contribution could be made under
23 section 170(c) of the code or a trust all of whose beneficiaries
24 are organizations or entities described in section 501(c)(3) of the
25 code or to whom a charitable contribution could be made under
26 section 170(c) of the code from procuring, effectuating, or causing
27 to be procured or effectuated the ownership of any life insurance
28 policy or annuity contract upon the life of an individual if such
29 individual gives written consent to the issuance of such policy or
30 contract when such organization, entity, or trust is the ~~original~~
31 owner of such policy or contract. Nothing in Chapter 44 shall
32 require such organization, entity, or trust to have an insurable
33 interest as defined in section 44-103 in the life of such
34 individual in order for a policy or contract to be procured or
35 effectuated pursuant to this subsection. This subsection shall
36 apply to all policies and contracts in force on or after April 16,
37 1992. The changes made to this subsection by this legislative bill
38 shall apply to all policies and contracts in force on or after the
39 effective date of this act.

40 (5) Except as provided in subsection (4) of this section,
41 nothing in this section shall be construed to permit a person to
42 procure, effectuate, or cause to be procured or effectuated,
43 directly or by assignment or otherwise, any policy of insurance
44 upon the person of a child or other individual unless the benefits
45 under such policy are payable to the child or other individual
46 insured, to his or her personal representative, or to a person
47 having, at the time such policy is issued, an insurable interest in
48 the child or other individual insured."

49 2. On page 12, line 3, after "Original" insert "section
50 44-704, Reissue Revised Statutes of Nebraska, and"; and in line 4
51 strike "is" and insert "are".

52 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Nola Moog and Lloyd Synovec from North Platte; 35 fourth-grade students and teachers from Gates Elementary School, Grand Island; Senator Beutler's mother, Dorothy Beutler, and his aunt, Betty Braun, from Omaha; 80 fourth-grade students and teachers from Spring Ridge Elementary School, Omaha; and 33 senior citizens from Polk, Seward, and York.

RECESS

At 11:58 a.m., on a motion by Senator Price, 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 Landis who was excused until he arrives.

RESOLUTIONS

LEGISLATIVE RESOLUTION 124. Introduced by Smith, 48.

PURPOSE: The purpose of this interim study is to determine what would be the administrative costs to the state of taking over the administration of the federal Head Start program.

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

LEGISLATIVE RESOLUTION 125. Introduced by Smith, 48.

PURPOSE: The purpose of this interim study is to determine what is the state's involvement in crime victims' reparations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 126. Introduced by Burling, 33.

WHEREAS, Dane Jacobi of Troop 125, Hastings, Nebraska, has completed the requirements for and been awarded the highest honor and rank in the Boy Scouts of Eagle Scout; and

WHEREAS, Dane Jacobi was recognized by the Boy Scouts for his years of hard work, commitment to his scouting duties, and service to his community which included his Eagle Scout project. His project consisted of constructing and finishing four wooden benches for the Hastings Family YMCA, each of which displays lettering outlining one of the four character development pillars of the YMCA: Respect; responsibility; caring; and honesty; and

WHEREAS, fewer than two percent of all boys who join Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Dane Jacobi has achieved great success as an exemplary member of the scouting program; 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, and has represented his troop and community with excellence.

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

1. That the Legislature congratulates Dane Jacobi on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Hastings.

2. That a copy of this resolution be sent to Dane Jacobi and his family.

Laid over.

SELECT FILE

LEGISLATIVE BILL 407. The Smith pending amendment, AM1884, found on page 1766 and considered in this day's Journal, was renewed.

Senator Smith offered the following amendment to his pending amendment:
FA1360

Amend AM1884

On page 1, line 5, strike "General" and insert "Cash"

Senator Smith moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Smith requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Aguilar	Cudaback	Foley	Kremer	Raikes
Baker	Cunningham	Friend	Kruse	Schrock
Bromm	Engel	Janssen	Louden	Stuhr
Combs	Erdman	Jones	Mossey	Vrtiska

Voting in the negative, 16:

Beutler	Burling	Mines	Redfield
Bourne	Hudkins	Pedersen, Dw.	Stuthman
Brashear	Jensen	Preister	Synowiecki
Brown	Johnson	Quandahl	Tyson

Present and not voting, 12:

Byars	Hartnett	Pederson, D.	Smith
Chambers	Maxwell	Price	Thompson
Connealy	McDonald	Schimek	Wehrbein

Excused and not voting, 1:

Landis

The Smith amendment lost with 20 ayes, 16 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Smith offered the following motion:
Reconsider the vote on FA1360.

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

Senator Mines 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 Smith motion to reconsider prevailed with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

The Smith amendment, FA1360, found in this day's Journal, was reconsidered.

The Smith amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Smith moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Smith pending amendment, AM1884, as amended, was renewed.

Senator Smith requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Aguilar	Cunningham	Jones	Landis	Quandahl
Baker	Erdman	Kremer	Louden	Stuhr
Cudaback	Foley	Kruse	Mossey	

Voting in the negative, 21:

Beutler	Combs	Johnson	Raikes	Wehrbein
Bourne	Connealy	Mines	Redfield	
Brown	Engel	Pedersen, Dw.	Stuthman	
Burling	Hudkins	Pederson, D.	Synowiecki	
Byars	Jensen	Preister	Tyson	

Present and not voting, 13:

Brashear	Friend	McDonald	Schrock	Vrtiska
Bromm	Hartnett	Price	Smith	
Chambers	Maxwell	Schimek	Thompson	

Excused and not voting, 1:

Janssen

The Smith amendment, as amended, lost with 14 ayes, 21 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 127. 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 128. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to examine the transfer of state service annuities from the School Retirement System of the State of Nebraska to the retirement system created pursuant to the Class V School Employees Retirement Act. The Nebraska Public Employees Retirement System currently transfers an actuarially determined single sum to the system created pursuant to the Class V School Employees Retirement Act upon the retirement of an eligible member of such system. The study will examine such transfers, the manner in which such transfers are to be calculated, how such transfers shall be made, and changes to statutes which may be necessary to effectuate the process.

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

LEGISLATIVE RESOLUTION 129. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to examine issues raised in LR 21CA (2003) concerning retirement benefits for certain retired school employees. Issues to be considered shall include adopting a medical cost-of-living adjustment, an adjustment in the purchasing power percentage, a minimum monthly benefit, or other such benefit improvements or adjustments to ensure that benefits are adequate and appropriate to meet retirement needs.

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

LEGISLATIVE RESOLUTION 130. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to authorize an interim study of the correctional system in the State of Nebraska to include:

(1) Review of the policies and practices of the Department of Correctional Services relating to inmate population management and its fiscal impact. The review shall include, but not be limited to, an examination of classification systems, disciplinary systems, facility management, staffing, and rates of parole;

(2) Review of current inmate programming and treatment services provided by the Department of Correctional Services to determine whether there are more economical and effective means for the delivery of rehabilitative services to convicted offenders; and

(3) Review of Department of Correctional Services contracts with private providers for telephone services, medical care, and food service, to determine whether they are the most cost-effective methods for delivering such services to the inmate population.

This interim study will be performed by a subcommittee composed of legislative staff and shall be completed by December 31, 2003. 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, Second Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 131. Introduced by Erdman, 47.

WHEREAS, Tami Whited and Amber Tritt of Sidney earned the Girl Scouts' highest award, the Girl Scout Gold Award; and

WHEREAS, Tami and Amber have served diligently in Troop 138 in Sidney, and for their Gold Award projects they promoted public awareness for the Domestic Violence Program (DOVES) and helped to paint the shelter and collect clothing for the shelter that will be located in Sidney; and

WHEREAS, few Girl Scouts achieve this honor; and

WHEREAS, Tami Whited and Amber Tritt have both achieved great success as exemplary members of the Girl Scout program and have represented their community and troop with excellence.

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

1. That the Legislature congratulates Tami Whited and Amber Tritt on

their achievement of the elite Gold Award and recognizes their outstanding community service efforts in Sidney.

2. That a copy of this resolution be sent to Tami Whited and Amber Tritt as well as their families.

Laid over.

LEGISLATIVE RESOLUTION 132. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine information available on county assessors' websites including what information is available and how the public can search for such information. The study shall also examine the possibility of allowing persons who work in certain professions, who may be at risk by having personal information available to the public, to request a waiver from the placement of this information on the website. The Nebraska Association of County Officials, as well as other parties interested in public records, shall be asked to participate in the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 407. Senator Brashear asked unanimous consent to withdraw his pending amendment, AM1885, found on page 1766, and replace it with his substitute amendment, AM1898. No objections. So ordered.

AM1898

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 16, after line 4 insert the following new
- 2 paragraph:
- 3 "AM1899 to LB 440 does not reduce the appropriation for
- 4 state aid to municipalities, but it will result in approximately
- 5 \$14,100,000 in additional revenue in the General Fund as a result
- 6 of the rebate to the General Fund of additional revenue raised by
- 7 municipalities pursuant to the Local Option Revenue Act."

SPEAKER BROMM PRESIDING

SENATOR BAKER PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 26 ayes, 7 nays, and 16 not voting.

Senator Brashear withdrew his amendment.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 133. Introduced by Quandahl, 31.

PURPOSE: During the past two years the State of Nebraska has experienced unprecedented fiscal problems. The Legislature is currently in its fourth budget cutting session in that two-year period.

There are many programs and services that are critical to the future of Nebraska. There are many programs and services critical to the health, safety, and welfare of individual Nebraskans. But the current state of the economy makes it impossible to provide the funds necessary to maintain the current level of programs and services.

It is important for the future prosperity of our state that we have clear spending priorities and that our revenue system be as current as possible. The Legislature should convene an Economic Summit to discuss state priorities and to recommend changes to our revenue system. Attending the Economic Summit would be representatives of the Legislature, the administration, and public and private interests in the state who have a need for a strong state economy. These interested Nebraskans need to study, discuss, and prioritize programs and services offered by the state.

Such a prioritization should serve as a basis for future funding decisions, rather than the current approach of across the board cuts. In addition, a revised state revenue system reflective of the current economy and sustainable into the foreseeable future needs to be developed to fund the priorities.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the executive board 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 134. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine information available on county assessors', registers of deeds', and county clerks' websites including what information is available and how the public and professionals requiring access can search for such information. The study shall also examine concerns of privacy and the possibility of allowing persons who work in certain professions, who may be at risk by having personal information available to the public, to request a waiver from the placement of this information on the website. The Nebraska Association of County Officials, as well as other parties interested in public records, shall be asked to participate in the study.

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

ATTORNEY GENERAL'S OPINIONSOpinion # 03014

DATE: May 14, 2003

SUBJECT: Application of Neb. Rev. Stat. § 60-6,301(5) (Supp. 2002) to vehicles hauling grass sod.

REQUESTED BY: Senator Tom Baker
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Jeffery T. Schroeder, Assistant Attorney General

You have requested our opinion as to whether a motor vehicle, semitrailer or trailer hauling grass sod on the highways of this state is allowed, pursuant to Neb. Rev. Stat. § 60-6,301 (Supp. 2002), to exceed by up to 15 percent the maximum weight limits set out in Neb. Rev. Stat. § 60-6,294. As discussed below, we believe that a vehicle hauling grass sod does not qualify for the 15 percent overweight exception of Neb. Rev. Stat. § 60-6,301 because grass sod is not a "seasonally harvested product" under this statute.

In your letter, you have provided some information concerning the grass

sod industry. You have informed us that sod growers are considered to be farmers by the Internal Revenue Service. You tell us that grass sod takes about 1½ to 2 years to grow and that when it is mature, it can be cut and removed from the field generally at any time from March to November. You have also informed us that once the sod has been cut, the cut sod needs to be installed within 24 hours of cutting. We understand your question to be whether the weight limit exception of Neb. Rev. Stat. § 60-6,301 (5) would apply to the vehicles hauling grass sod.

It is not apparent from the statute whether grass sod is a seasonally harvested product. We are aware of no statutory definition of the phrase "seasonally harvested product." The Nebraska Supreme Court has stated that:

In discerning the meaning of a statute, a court must determine and give effect to the purpose and intent of the legislature as ascertained from the entire language of the statute considered in its plain, ordinary and popular sense, it being the court's duty to discover, if possible, the Legislature's intent from the language of the statute itself. *Curry v. State, ex rel. Stenberg*, 242 Neb. 695, 496 N.W.2d 512 (1993). The components of a series or collection of statutes pertaining to a certain subject matter may be conjunctively considered and construed to determine the intent of the Legislature so that different provisions of an act are consistent, harmonious, and sensible. *Maack v. School Dist. of Lincoln*, 241 Neb. 847, 491 N.W.2d 341 (1992).

Becker v. Nebraska Acct. & Disclosure Comm., 249 Neb. 28, 33, 541 N.W.2d 36, 40 (1995).

Based upon this standard, we have reviewed the statutes on this subject in order to understand the intent and purpose of the legislature when it used the phrase "seasonally harvest products." As you know, Nebraska law protects the highways of this State from damage and destruction caused by overweight vehicles by making it illegal to operate vehicles on the public highways that exceed certain maximum weight limits. Neb. Rev. Stat. § 60-6,294 (Supp. 2002). There are, however, various statutory exceptions to the maximum weight limits, including two separate exceptions that involve vehicles carrying "grain or other seasonally harvested products." One of these exceptions is set out in Neb. Rev. Stat. § 60-6,301 (Supp. 2002). Section 60-6,301 states in part as follows:

When any motor vehicle, semitrailer, or trailer is operated upon the highways of this state carrying a load in excess of the maximum weight permitted by section 60-6,294, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state, except that:

. . . (5) Any motor vehicle, semitrailer, or trailer carrying grain or other seasonally harvested products may operate from the field where such grain or products are harvested to storage, market, or stockpile in

the field or from stockpile to market or factory up to seventy miles with a load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any tandem axle, group of axles, and gross weight. The owner or a representative of the owner of the agricultural product shall furnish the driver of the loaded vehicle a signed statement of origin and destination.

This exception became effective in 2000. This exception was based, however, on language from Neb. Rev. Stat. § 60-6,298 (1)(b) (1998). Subsection (1)(b) of 60-6,298 was repealed in 2000. The phrase "grain or other seasonally harvested products" used in section 60-6,301 (5) was the identical phrase used in the repealed subsection (1)(b) of section 60-6,298. We understand that the purpose for moving this statutory exception from section 60-6,298 to 60-6,301 was to eliminate the permit required under 60-6,298.

There is another exception for vehicles carrying "grain or other seasonally harvested products" contained in Neb. Rev. Stat. § 60-6,298 (1)(a) (Supp. 2002). Section 60-6,298 (1)(a)(ii) authorizes the Department of Roads, the Nebraska State Patrol or local authorities to issue permits for certain vehicles when carrying "grain or other seasonally harvested products." It is important to read these two exceptions together since they both apply to the hauling of overweight loads of "grain or other seasonally harvested products" on the public highways. Section 60-6,298 provides the following insights into the problem the legislature was addressing when it enacted exceptions to the maximum weight limits for vehicles carrying grain or other seasonally harvested products:

(1) Although "seasonally harvested" is not defined, the legislature included the following three examples of products that the legislature deemed to be "seasonally harvested"--grains, dry beans, and sugar beets. These examples are all typical farm crops.

(2) Section 60-6,298 (1)(a)(ii) states that a permit should be granted:

... when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare.

(3) Section 60-6,298 (7)(b) specifies that permits issued pursuant to (1)(a)(ii) shall be "valid for thirty days or sixty days and shall be renewable for a total number of days not to exceed one hundred and twenty days per year." This language shows that the legislature contemplated that overweight loads of "seasonally harvested products" should only be allowed to travel on the public highways for a limited period of time.

(4) The legislature identified a specific problem with the harvesting of

sugar beets. The legislature made specific provision to allow vehicles hauling "sugar beets" to exceed the weight limits by 25 percent. We understand that this special exception for sugar beets was based on the fact that there is an unusually short period of time from when sugar beets mature to when they must be moved out of the field. This special "sugar beet" exception highlights the fact that the legislature was concerned about the specific problem of how to get a mature crop out of the field quickly and efficiently during a relatively short period of time. This suggests that the legislature was considering only a short term use of the highways by overloaded vehicles carrying seasonally harvested products.

(5) The legislature was mindful that it had a compelling need to protect the public highways from undue damage caused by overweight loads as evidenced by the narrow language it used to grant the exceptions in this statute and in the authority it gave the Department to specify the conditions for the permitted uses of the highways by overweight vehicles. See section 60-6,298 (3).

Reading sections 60-6,298 and 60-6,301 together, it appears that the problem the legislature was addressing when it first used the phrase "grain or other seasonally harvested products" related to the problem of getting a crop out of the field quickly and efficiently after the crop becomes mature. Failure to remove the crop quickly from the field when it is ready for harvest could cause the loss of the crop if bad weather or other causes destroy the crop or make it difficult or impossible to remove it from the field. This conclusion is reinforced by the special consideration in this statute for sugar beets. The statute specifically allows vehicles hauling sugar beets to obtain a permit to exceed maximum weight limits by 25 percent. The legislature sought a balance between the need to protect public highways from damage caused by overweight vehicles with the need to quickly remove mature crops from the field at harvest time in order to avoid the risk of the loss of the mature.

In addition to this review of the statutes, we have discussed this matter with officials of the Carrier Enforcement Division of the State Patrol and officials of the Nebraska Department of Roads. We have been informed that the issue you have raised has been considered before and that the longstanding interpretation of this language by the officials charged with enforcing these statutes has been that grass sod does not qualify as "grain or other seasonally harvested products." Further, we have reviewed the legislative history of LB 1361 and have found no substantive discussion of the legislative intent when this phrase was used in the statutes.

It is the opinion of this office that grass sod is not "grain or other seasonally harvested products" based upon the plain and ordinary meaning of the words used and upon the intent and purpose of the legislature as discerned from the statutes discussed above. The key to this conclusion is the legislatures use of the word "seasonally" in this phrase. The Nebraska Supreme Court has stated that: "The word 'seasonal' pertains, of course, to

the four seasons of the year--spring, summer, autumn and winter--but is popularly used in a somewhat wider sense." *Hogsett v. Cinek Coal & Feed Co.*, 127 Neb. 393, 255 N.W. 546 (1934). In *Hogsett*, the court concluded that: "seasonal employment," as used in the compensation law, has reference to an employment which must have been completed during some rather definite period of the year. *Id.* The court explained further that:

A seasonal occupation is an employment pertaining to a season or a specific part of a year; hence it may be said that a seasonal occupation is an employment pertaining to or of that kind of labor exclusively performed at specific seasons or periods of the year. The word is different in meaning from the words "casual" and "intermittent."

Seasonal occupations are those vocations which cannot, from their very nature, be continuous or carried on throughout the year, but only during fixed portions of it. On the other hand, labor or occupation possible of performance and being carried on at any time of the year, or through the entire twelve months, is not seasonal.

Id.

Based upon the meaning of the word "seasonal" and the language of sections 60-6,298 and 60-6,301, we are led to the conclusion that a "seasonally" harvested product is a product that is harvested during a certain season of the year. A seasonally harvested product has a certain planting season, growing season and must be harvested during a relatively short period of time in a specific season. A "seasonally" harvested product is not a product that can be gathered or harvested at any time throughout 8 months of the year. There is a compelling need to quickly remove a mature seasonally harvested crop from the field because the failure to get the crop out of the field could mean the loss of the crop. There is not the same risk of loss for a product that can be removed from the field at any time over an eight month period.

There is simply no suggestion in the legislative history or the language used in the exception statutes that the legislature intended to allow overloaded vehicles to use and potentially damage the public highways of the state during eight months of the year. The statutes clearly contemplate a short term, 30 to 60 day "seasonal" use of the highways by overloaded vehicles. This short term risk of damage to the highways is justified only because there is a significant risk of loss to "seasonal" crops if they are not quickly removed from the field when the crop reaches the optimal condition for harvest. Our interpretation conforms to the long standing interpretation of this language by the officials who have enforced these laws and is consistent with the decision of the legislature to not overrule this long standing interpretation when it revisited this issue in 2000. The Nebraska Supreme Court has stated that: "Although construction of a statute by a department charged with enforcing it is not controlling, considerable weight will be given to such a construction, particularly when the legislature has not

taken any action to change such interpretation." *Cox Cable v. Nebraska Dept. of Revenue*, 254 Neb. 598, 578 N.W.2d 423 (1998). (Headnote number 2). Finally, this exception cannot be interpreted to allow the hauling of a product that can be removed from the field during 8 months of the year because such an interpretation would read the word "seasonally" out of the statute.

Additionally, there is a minor question as to whether grass sod is actually "harvested." The common understanding of the word harvested would tend to be limited to the typical harvesting of farm crops such as corn or wheat. The common understanding of "harvested" would seem to exclude the activity of cutting sod, which seems to actually involve merely transplanting the living grass plants from one place to another. Again, there is no indication from the words used in the statutes that the legislature intended that the term "harvested" would extend to the hauling of plants to be transplanted in another location.

For these reasons, we do not believe that grass sod is a "seasonally harvested product" as that phrase is used in Neb. Rev. Stat. § 60-6,301(5) (Supp. 2002).

Sincerely,
JON BRUNING
Attorney General
(Signed) Jeffery T. Schroeder
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature

Opinion # 03015

DATE: May 14, 2003

SUBJECT: Whether The Sales Tax on Gross Income Received for Casino Advertising Proposed Under LB 759, as Amended, Violates the Guarantee of Freedom of Speech in the First Amendment to the United States Constitution.

REQUESTED BY: Senator Ray Janssen
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality of an amendment to LB 759, AM 1376. The amendment extends Nebraska's sales tax to "[t]he gross income received for casino advertising" when "the seller

of the advertising is located" in Nebraska and the advertising is "broadcast, circulated, or displayed" in Nebraska. "Casino" is defined as "any establishment conducting games of chance which are illegal in the State of Nebraska." "Casino advertising" is defined as "purchasing air time on television or radio, purchasing advertising space in newspapers, magazines, or billboards, purchasing or circulating pamphlets or fliers, purchasing or displaying store signs or window displays, or purchasing any product or media time or space to sell or promote the activities of a casino." "Casino advertising does not include consulting, designing artwork or advertising campaigns, or performing any other creative processes that may result in the purchase of casino advertising." Your question is whether the imposition of sales tax on casino advertising under AM 1376 violates the guarantee of freedom of speech in the First Amendment to the United States Constitution.

For the reasons set forth below, we conclude that the proposed tax on casino advertising likely inhibits free speech rights in violation of the First Amendment. First, the proposed tax on casino advertising does not appear to be the type of "generally applicable" tax which impacts speech that has been approved by the United States Supreme Court. While it is part of the general sales tax, which includes taxation of a variety of tangible personal property and services, it applies only to casino advertising. By singling out a specific form of advertising for taxation, while exempting other advertising and services, the tax likely cannot be viewed as one of "general application." It also appears to target a relatively small group of speakers. Second, because of the limited and special nature of the tax, it probably cannot withstand scrutiny under the four-part test for assessing the constitutionality of laws regulating commercial speech set forth in *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n*, 447 U.S. 557 (1980). This four-part analysis requires determining: (1) Whether the commercial speech concerns lawful activity and is not misleading; (2) Whether the law involves a substantial governmental interest; (3) Whether the law directly advances the governmental interest asserted; and (4) Whether the law is not more extensive than is necessary to serve the governmental interest. As to part 1, the casino advertising would concern lawful activity relating to casinos located in states where such activity is legal, and, presumably, the advertising would not be misleading. With respect to part 2, the tax would raise revenue, which can be considered a substantial government interest. If raising revenue is deemed a substantial interest, then the requirement of part 3 that the tax directly advance that government interest is also met. Part 4, however, likely is not satisfied. Because the tax is not general, but narrowly targets a specific message and limited group of speakers, it is more extensive than necessary to achieve the governmental interest, as more narrowly tailored alternatives which avoid the selective taxation proposed could be enacted to further the state's need to raise revenue.

I. ANALYSIS

A. The Protection of Commercial Speech Under the First Amendment.

The First Amendment provides that "Congress shall make no law. . .abridging the freedom of speech, or of the press. . . ." U. S. Const., amend. 1.¹ At one time, the United States Supreme Court did not view commercial speech as worthy of First Amendment protection. *Valentine v. Chrestensen*, 316 U.S. 53, 54 (1942) ("[T]he Constitution imposes no. . .restraint on government as respects purely commercial advertising."). The Court has since altered this view, and, in *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976), explicitly held that commercial speech is protected by the First Amendment. Explaining its rationale for extending First Amendment protection to commercial speech, the Court in *Virginia Bd. of Pharmacy* stated:

Generally, society. . .may have a strong interest in the free flow of commercial information. Even an individual advertisement, though entirely 'commercial', may be of general public interest.

* * *

Advertising, however tasteless and excessive it sometimes may seem, is nonetheless the dissemination of information as to who is producing and selling what product, for what reason, and at what price. So long as we preserve the predominantly free enterprise economy, the allocation of our resources in large measure will be made through numerous private economic decisions. It is a matter of public interest that those decisions, in the aggregate, be intelligent and well informed. To this end, the free flow of commercial information is indispensable.

425 U.S. at 764-65. Expanding on this theme in its later decision in *Edenfield v. Fane*, 507 U.S. 761, 767 (1993), the Court stated:

The commercial marketplace, like other spheres of our social and cultural life, provides a forum where ideas and information flourish. Some of the ideas and information are vital, some of slight worth. But the general rule is that the speaker and the audience, not the government, assess the value of the information presented. Thus, even a communication that does no more than propose a commercial transaction is entitled to the coverage of the First Amendment.

Since advertising is commercial speech protected by the First Amendment, the proposed tax on casino advertising raises a question as to whether the tax impermissibly restricts advertisers' First Amendment right to free speech. Resolution of this issue entails considering the Court's decisions involving the validity of taxes challenged as violative of the First Amendment, as well as the Court's First Amendment analysis of the validity of regulations or restrictions affecting commercial speech.

B. Taxation and the First Amendment.

On several occasions, the Court has addressed claims that taxes affecting the press violated the First Amendment. In *Grossjean v. American Press*

Co., 297 U.S. 233 (1936), the Court struck down a state tax on the gross receipts of advertising imposed only on newspapers with a circulation of more than 20,000 copies per week. While noting that its decision invalidating the tax should not be read "to suggest that owners of newspapers are immune from any of the ordinary forms of taxation for support of the government. . .," the Court held the tax was "not an ordinary form of tax, but one single in kind * * * with the plain purpose of penalizing the publishers and curtailing the circulation of a selected group of newspapers." Id. at 250-51.

In *Minneapolis Star and Tribune Co. v. Minnesota Comm'r of Revenue*, 460 U.S. 575 (1983), the Court held a use tax imposed on the cost of paper and ink products exceeding \$100,000 a year consumed in the production of periodic publications violated the First Amendment guarantee of freedom of the press. The Court noted that "[b]y creating this special use tax, . . . , Minnesota ha[d] singled out the press for special treatment." Id. at 582. In striking down this special tax, the Court found the danger posed by subjecting the press to special taxation, rather than taxes of "general applicability," was crucial:

A power to tax differentially, as opposed to a power to tax generally, gives a government a powerful weapon against the taxpayer selected. When the State imposes a generally applicable tax, there is little cause for concern. We need not fear that a government will destroy a selected group of taxpayers by burdensome taxation if it must impose the same burden on the rest of its constituency. . . . When the State singles out the press, though, the political constraints that prevent a legislature from passing crippling taxes of general applicability are weakened, and the threat of burdensome taxes becomes acute. That threat can operate as effectively as a censor to check critical comment by the press, undercutting the basic assumption of our political system that the press will often serve as an important restraint on government.

Id. at 585.

Minnesota's asserted interest justifying the tax was "the raising of revenue." Id. at 586. While recognizing "that interest is critical to any government. . .," the Court held it could not "justify the special treatment of the press, for an alternative means of achieving the same interest without raising concerns under the First Amendment [was] clearly available: the State could raise the revenue by taxing businesses generally." Id. The Minnesota tax was found unconstitutional not only because "it single[d] out the press," but also because "it target[ed] a small group of newspapers. . . ." Id. at 591. By exempting the first \$100,000 in paper and ink costs from taxation, the tax targeted only a few large publishers. Id. at 592. Singling out only a select group of publishers for special taxation created a "potential for abuse" which "resemble[d] more of a penalty for a few of the largest newspapers. . . ." Id. Even absent any indication of an "[i]llicit legislative intent" to target the press or selected members of the press, the Court found

the Minnesota tax violated the First Amendment. *Id.*

In *Arkansas Writers' Project, Inc. v. Ragland*, 481 U.S. 221 (1987), on remand 293 Ark. 395, 738 S.W.2d 402 (1987), the Court invalidated a state sales tax scheme that taxed general interest magazines, but exempted newspapers and religious, professional, trade, and sports journals, as violating the First Amendment guarantee of freedom of the press. Arkansas asserted the differential taxation was permissible because "the Arkansas sales tax [was] a generally applicable economic regulation." *Id.* at 228-29. The Arkansas tax was invalidated, however, because it singled out a small group of magazines for taxation, while exempting most other magazines, and did so based on content. *Id.* at 229-30. While recognizing the state's interest in raising revenue was "an important one," the Court found "it [did] not explain selective imposition of the sales tax on some magazines and not others, based solely on their content." *Id.* at 231.

A few years after its decision in *Arkansas Writers' Project*, the Court upheld the constitutionality of Arkansas' sales tax on cable television services, even though newspapers and other print media were exempt, against a First Amendment challenge. *Leathers v. Medlock*, 499 U.S. 439 (1991). In *Leathers*, the Court explained the principles set forth in *Grosjean*, *Minneapolis Star*, and *Arkansas Writers' Project* as follows:

These cases demonstrate that differential taxation of First Amendment speakers is constitutionally suspect when it threatens to suppress the expression of particular ideas or viewpoints. Absent a compelling justification, the government may not exercise its taxing power to single out the press. . . . The press plays a unique role as a check on government abuse, and a tax limited to the press raises concerns about censorship of critical information and opinion. A tax is also suspect if it targets a small group of speakers. . . . Again, the fear is censorship of particular ideas or viewpoints. Finally, for reasons that are obvious, a tax will trigger heightened scrutiny under the First Amendment if it discriminates on the basis of the content of taxpayer speech.

499 U.S. at 447 (citations omitted).

The Court in *Leathers* found the Arkansas sales tax on cable television "present[ed] none of these types of discrimination." *Id.* "The Arkansas sales tax [was] a tax of general applicability. . ." which "applie[d] to receipts from the sale of all tangible personal property and a broad range of services, unless within a group of specific exemptions." *Id.* The tax did "not single out the press. . .," and did not "target[] a small number of speakers. . .," as it applied to approximately 100 cable systems in the State of Arkansas. *Id.* at 447-48. Finally, the tax "[was] not content based. . . ." *Id.* at 449.

Since the Arkansas tax "present[ed] none the First Amendment difficulties that. . . led the [Court] to strike down differential taxation in the past," the Arkansas tax would be invalidated "only if the Arkansas tax

scheme present[ed] 'an additional basis' for concluding the tax violated the First Amendment. *Id.* at 449 (quoting Arkansas Writers' Project, 481 U.S. at 233). The cable operators argued the discrimination between different media (i.e., taxing cable television but exempting print media) constituted an "additional basis" requiring invalidation of the Arkansas sales tax on cable television services. Rejecting this claim, the Court noted its decisions in *Regan v. Taxation with Representation of Wash.*, 461 U.S. 540 (1983) and *Cammarano v. United States*, 358 U.S. 498 (1959), established "that a legislature is not required to subsidize First Amendment rights through a tax exemption or a tax deduction." 499 U.S. at 450-51. Citing to *Regan*, as well as *Mabee v. White Plains Publishing Co.*, 327 U.S. 178 (1946) and *Oklahoma Press Publishing Co. v. Walling*, 327 U.S. 186 (1946), the Court stated:

Taken together, *Regan*, *Mabee*, and *Oklahoma Press* establish that differential taxation of speakers, even members of the press, does not implicate the First Amendment unless the tax is directed at, or presented the danger of suppressing, particular ideas. That was the case in *Grosjean*, *Minneapolis Star*, and *Arkansas Writers'*, but it is not the case here. The Arkansas Legislature simply chose to exclude or exempt certain media from a generally applicable tax. Nothing about that choice has ever suggested an interest in censoring the expressive activities of cable television. Nor does anything in this record indicate that Arkansas' broad-based, content-neutral sales tax is likely to stifle the free exchange of ideas. We conclude that the State's extension of its generally applicable sales tax to cable television services alone, or to cable and satellite systems, while exempting the print media, does not violate the First Amendment.

Id. at 453.

The United States Supreme Court's decisions concerning First Amendment taxation have involved only taxes on noncommercial speech. While the Court has not considered the validity of taxes imposed on commercial speech, such as advertising, at least two state courts have addressed First Amendment challenges to advertising taxes. In *City of Baltimore v. A. S. Abell Co.*, 218 Md. 273, 145 A.2d 111 (1958), the Court of Appeals of Maryland held that municipal ordinances taxing advertising violated the First Amendment. One ordinance imposed on purchasers a tax of four percent of the gross sales price of the space for printed advertising or the time for any broadcast advertising in Baltimore. *Id.* at 277-78, 145 A.2d at 112-13. A second ordinance levied on the sellers of such advertising a tax of two percent on gross receipts. *Id.* Although the tax ordinances were repealed after only one year, newspaper publishers, radio and television broadcasters, billboard operators, and advertising purchasers sued to recover taxes paid under the ordinances, asserting the taxes violated the First Amendment. *Id.* at 113, 145 A.2d at 278. Finding the effect of the two taxes was essentially the same for purposes of considering the First Amendment issue, the court applied a single analysis in assessing the claim that the taxes

abridged the freedoms of speech and of the press guaranteed by the Constitution. Id. at 283, 145 A.2d at 116.

The City of Baltimore defended the validity of the taxes by asserting that, while not reaching all advertising, the taxes were "broad enough in their nature and character so as to escape the designation of being 'single in kind' and therefore [did] not violate the immunities of freedom of speech or of the press." Id. at 283, 145 A.2d at 116. Discussing this contention, the court noted "this argument is predicated upon, and assumes, the fact that the taxes involved herein are ordinary or general in nature and operation, as distinguished from special or 'single in kind' taxes." Id. at 287, 145 A.2d at 118 (emphasis in original). This was significant because, the court noted, "when [a] tax is imposed upon a business that enjoys one of the constitutional immunities of the First Amendment, it must be general in its nature and character and affect this business only incidentally as it affects other businesses in their combined duty to support the government." Id. The court found the taxes were not general, but "singled out" entities entitled to First Amendment protection "to pay a special tax that [was] not required of business in general or some broad portion thereof." Id. at 288, 145 A.2d at 118-19. Because the taxes were "so single in their nature and the range of their impact [was] so narrow - 90% to 95% thereof falling upon the newspapers and the [radio and television] stations-[] their effect ma[de] them constitute a restraint on the freedoms of speech and of the press guaranteed" by the Constitution. Id. at 288-89, 145 A.2d at 119.

In an advisory opinion issued at the request of the Governor, the Supreme Court of Florida concluded that legislation extending Florida's sales tax to previously untaxed services, including advertising, did not facially violate the freedom of speech and press guarantees in the First Amendment. In re Advisory Opinion to the Governor, 509 So. 2d 292 (Sup. Ct. Fla. 1987). Citing the U. S. Supreme Court's decision in *Arkansas Writers' Project, Minneapolis Star, and Grosjean*, the court stated "[i]t was beyond question that advertisers and the press are not immune from ordinary, nondiscriminatory taxes of general application." 509 So.2d at 306. The court found the "tax on the sale of services [was] one of general application and [did] not single out advertisers or the press for special taxation." Id. In finding the advertising tax did not violate the First Amendment, the court noted did the tax did "not impact only a select few advertisers or publications. . .," and did not "unconstitutionally discriminate between publications based on content." Id. at 308.

City of Baltimore v. A. S. Abell Co. and *In re Advisory Opinion to the Governor* indicate that the question of whether a tax impermissibly impacts commercial speech such as advertising may, to some degree, appropriately be analyzed by resort to the standards used by the Supreme Court in cases such as *Grosjean, Minneapolis Star, Arkansas Writers', and Leathers*, to evaluate the constitutionality of taxes on noncommercial speech. Basically, the relevant considerations are whether the tax is "generally applicable," and does not "single out" particular speakers or "target only a small number" of

speakers. *Leathers*, 499 U.S. at 447-48.

Judged by these standards, the casino advertising tax is constitutionally suspect. The tax is part of Nebraska's sales and use tax scheme, which imposes a tax on the sale or use of tangible personal property and certain services, subject to specific exemptions. In that respect, it could be argued that the tax, although limited to "casino" advertising, is "generally applicable." While this argument has facial appeal, it fails to properly recognize the extremely narrow and limited application of the tax. The tax is not imposed on advertising generally, but applies only to the extraordinarily limited subject of "casino advertising." By "singling out" commercial speech relating only to casino advertising for taxation, while all other advertising remains exempt from taxation, the tax does not appear to truly be one of "general application." Also, while the bill does apply to advertising by all media, limiting the tax to casino advertising appears to target the tax towards a small number of speakers. Since, as noted in the legislation, casino gambling in Nebraska is illegal, the casino advertising to be taxed likely relates to advertising by casinos in surrounding states which permit casino gambling. While we obviously have no empirical data concerning the scope and nature of advertising activity in Nebraska by out-of-state casinos, it is logical to conclude that the bulk of such advertising involves marketing by the three casinos located in Council Bluffs, Iowa, and directed towards the large metropolitan population in Omaha, Nebraska, as well as eastern Nebraska as a whole. If the primary impact of the tax would, as we surmise, fall almost exclusively on these three casinos in Iowa, it may well violate the First Amendment because it is directed at too small a group of speakers. A tax which singles out a specific advertiser or advertisers for disproportionate taxation may be found to impermissibly inhibit First Amendment rights. The casino advertising tax appears to be just such a tax.

C. Commercial Speech and the Central Hudson Test.

In addition to the line of authority in which the United States Supreme Court has considered the validity of taxes imposed on activities protected by the First Amendment, the Court has, in a long series of cases, addressed First Amendment challenges to restrictions on commercial speech in a variety of areas. As noted in part I.A., *infra*, the Court first explicitly held that commercial speech was protected by the First Amendment in *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976). In its later decision in *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n*, 447 U.S. 557 (1980), the Court clarified the standards to be employed in assessing the constitutionality of restrictions or regulations of commercial speech.

In *Central Hudson*, the Court invalidated regulations prohibiting advertising and other promotional activities by electric utilities. Confirming prior precedents recognizing that "[t]he Constitution. . . accords a lesser degree of protection to commercial speech than to other constitutionally guaranteed expression. . .," the Court adopted the following four-part

analysis for evaluating the constitutionality of commercial speech regulations:

At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest.

447 U.S. at 566.

The Court has applied the Central Hudson analysis in a variety of contexts. In *Posadas de Puerto Rico Associates v. Tourism Co. of Puerto Rico*, 478 U.S. 328 (1986), five members of the Court joined in an opinion which upheld the constitutionality of a Puerto Rican statute that restricted advertising of casino gambling aimed at residents of Puerto Rico, while allowing local advertising targeted at tourists. Applying Central Hudson, the majority found this was commercial speech which involved a lawful activity (casino gambling was legal in Puerto Rico) and was not misleading. *Id.* at 340-41. The government interest asserted in support of the restriction, reducing the demand for casino gambling by residents of Puerto Rico, was found to be "substantial," in view of the potential harm to the "health, safety, and welfare" of Puerto Rico's citizens posed by casino gambling. *Id.* at 341. The majority found the challenged restrictions "directly advance[d]" the government's interest, finding the "legislature's belief" that the restrictions would reduce casino gambling by residents was "a reasonable one." *Id.* at 342. The Court reached this conclusion in spite of the fact that the restrictions applied only to casino gambling, and did not apply to advertisements concerning horse racing, cockfighting, and the lottery. *Id.* Finally, the majority concluded the restrictions were no more extensive than necessary to serve the government's interest, as the restrictions were limited to advertising to Puerto Rico residents. *Id.* at 343-44. The majority distinguished the advertising restrictions on casino gambling at issue in *Posadas* from advertising bans struck down in prior cases (*Carey v. Population Services International*, 431 U.S. 678 (1977) (ban on advertising or displaying contraceptives) and *Bigelow v. Virginia*, 421 U.S. 809 (1975) (ban on advertisements encouraging abortion)) by noting the advertising in those cases related to conduct that was "constitutionally protected and could not have been prohibited by the State." *Id.* at 345. "Here, on the other hand, the Puerto Rico Legislature surely could have prohibited casino gambling by the residents of Puerto Rico altogether. In our view, the greater power to completely ban casino gambling necessarily includes the lesser power to ban advertising of casino gambling. . . ." *Id.* at 345-46.

In *United States v. Edge Broadcasting Co.*, 509 U.S. 418 (1993), the Court upheld the constitutionality of federal statutes (18 U.S.C. §§ 1304 and 1307) that prohibited the broadcasting of lottery advertising by a broadcaster

licensed in a state that did not allow lotteries (North Carolina), while allowing such broadcasting by a broadcaster licensed in Virginia, a state that sponsored a lottery, even though the Virginia broadcaster's signal extended into North Carolina. Applying *Central Hudson*, the Court recognized that the advertising involved a legal activity, since it concerned a legal lottery in Virginia, and assumed the advertising would not be misleading. *Id.* at 426. The statutes were found to "directly advance" the federal government's substantial interest in supporting the policies of nonlottery states while at the same time not interfering with the policies of lottery states. *Id.* at 428. The majority also concluded that the statutory restriction was "no more extensive than necessary" because, as was the case in *Posadas*, the "fit" between the restriction and the governmental interest, while "not necessarily perfect," was "reasonable." *Id.* at 429.

In subsequent decisions, the Court has retreated from the deferential standard of review taken in *Posadas* and *Edge* relating to the requirements of *Central Hudson* that restrictions on commercial speech must "directly advance" the government's interest and must not be more extensive than necessary to serve that interest. In *Rubin v. Coors Brewing Co.*, 514 U.S. 476 (1995), the Court, without dissent, held unconstitutional a federal statute prohibiting beer labels from displaying alcohol content. There was no question that the statute related to commercial speech about a lawful activity which was not misleading. *Id.* at 483. In support of the ban, the government argued it directly advanced Congress' substantial interest in curbing "strength wars" by beer brewers competing for customers based on alcohol content. *Id.* The Court determined the ban did not "directly and materially advance its asserted interest because of the overall irrationality of the regulatory scheme." *Id.* at 488. The statute allowed disclosure of alcohol content on labels of wine and hard liquor, and permitted identification on labels of higher alcohol content by inclusion of the term "malt liquor." *Id.* at 488-89. The exceptions and internal contradictions in the statute thus did not materially advance the asserted goal. Further, the Court found the advertising ban was "not sufficiently tailored to its goal." *Id.* at 490. Other alternatives, including directly limiting alcohol content of beer, were available to achieve the government's interest. *Id.* at 490-91. Significantly, the Court unanimously rejected the government's contention that, under *Posadas* and *Edge*, "legislatures' have broader latitude to regulate speech that promotes socially harmful activities, such as alcohol consumption, than they have to regulate other types of speech." *Id.* at 482n.2. The Court noted that neither *Posadas* nor *Edge* compelled crafting such an exception to *Central Hudson*, and specifically retreated from the statement in *Posadas* that the "greater power" to prohibit casino gambling included the "lesser power" to ban promotional advertising of casino gambling, noting this passage was dictum reached after the Court had already held the statute valid under *Central Hudson*. *Id.*

In *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484 (1996), the Court considered a First Amendment challenge to a state law banning advertising of retail prices of alcohol except at the point of sale. Justice Stevens, writing

for the plurality, noted that because the "price advertising ban constitute[d] a blanket prohibition against lawful, nonmisleading speech about a lawful product. . .," the Court "review[ed] the price advertising ban with 'special care,' . . .," stating that "speech prohibitions of this type rarely survive constitutional scrutiny." Id. at 504 (citation omitted). The blanket prohibition on price advertising failed to survive scrutiny under Central Hudson, as there was no evidence it would "significantly advance the State's interest of temperance." Id. at 505. The ban also failed to "satisfy the requirement that the restriction on speech be no more extensive than necessary. . .," as "obvious" other forms of regulation which did not restrict speech were available to achieve the state's temperance goals, including higher prices through direct regulation or increased taxation. Id. at 507. The plurality also rejected the "greater-includes-the-lesser" reasoning in *Posadas*, as well as the contention that the Court should recognize a "vice" exception in commercial speech matters based on language in *Edge* characterizing gambling as a "vice," an exception which was "effectively rejected" in *Rubin*. Id. at 508-14.

The Court again applied *Central Hudson* in the context of considering a restriction on gambling advertising in *Greater New Orleans Broadcasting Ass'n, Inc. v. United States*, 527 U.S. 173 (1999). *Greater New Orleans* involved a First Amendment challenge to a federal statute (18 U.S.C. § 1304) asserting the statute could not be applied to prohibit advertisements regarding casino gambling broadcast in a state where the gambling was legal. Id. at 176. There was no question that the speech involved lawful activity, and was not misleading. Id. at 184. The asserted governmental interest behind the restriction was "reducing the social costs associated with 'casino gambling,'" as well as "assisting States that 'restrict gambling' or 'prohibit casino gambling' within their own borders." Id. at 185. The Court "accept[ed] the characterization of these two interests as 'substantial,' " but noted "that conclusion [was] by no means self-evident." Id. at 186. The restriction did not, however, "directly and materially advance[] the asserted governmental interest[s]. . .," and was "more extensive than necessary" to achieve such interests. Id. at 188. The Court found the statute was "so pierced by exemptions and inconsistencies" that it could not survive First Amendment scrutiny. Id. at 190.

In *Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525 (2001), the Court considered, in part, First Amendment challenges to Massachusetts regulations restricting the promotion of tobacco products. Expanding on the scope of the third and fourth parts of the *Central Hudson* test, the Court noted "[t]he third step of *Central Hudson* concerns the relationship between the harm that underlies the State's interest and the means identified by the State to advance that interest." Id. at 555. "It requires that 'the speech restriction directly and materially advance[] the asserted government interest. . . .'" Id. (quoting *Greater New Orleans*, 527 U.S. at 188). The fourth step of *Central Hudson* " 'complements' " the third step, " 'asking whether the speech restriction is not more extensive than necessary to serve the interests that support it.' " Id. at 556 (quoting *Greater New Orleans*, 527

U.S. at 527). " '[T]he least restrictive means' " is not the standard; instead, the case law requires a reasonable " 'fit between the legislature's ends and the means chosen to accomplish those ends,. . . a means narrowly tailored to achieve the desired objective.' " *Id.* at 556 (quoting *Florida Bar v. Went for It, Inc.*, 515 U.S. 618, 632 (1995) (quoting *Board of Trustees v. State Univ. of N.Y. v. Fox*, 492 U.S. 469, 480 (1989))).

Applying these aspects of *Central Hudson*, the *Lorillard* Court struck down regulations prohibiting outdoor advertising for smokeless tobacco and cigars within a certain distance of schools or playgrounds, finding the regulations were "more extensive than necessary to advance the State's substantial interest in preventing underage tobacco use." *Id.* at 565. In addition, regulations which restricted indoor, point-of-sale advertising for cigars and smokeless tobacco by placing a height requirement on such advertising in retail establishments a certain distance from schools or playgrounds were held invalid because they did not satisfy the third and fourth prongs of *Central Hudson*. *Id.* at 566-67. The height requirement did not directly advance the state's goals of preventing minors from using tobacco products or curbing demand by limiting youth exposure to advertising, nor did it "constitute a reasonable fit" to achieve those goals. *Id.*

Evaluating the proposed casino advertising tax under the four part test set forth in *Central Hudson* and its progeny, there is no question that part 1 is satisfied. While the term "casino," as defined in the amendment, refers to an establishment which conducts games of chance which would be illegal if conducted in Nebraska, the advertising to be taxed obviously pertains to advertising in Nebraska by casinos located in states in which such gambling activity is lawful. Presumably, this advertising would be truthful and not misleading. As to part 2 of *Central Hudson*, the tax would raise revenue, which can be considered a "substantial" governmental interest.² Accepting raising revenue as a substantial governmental interest, then the requirement of part 3 that the commercial speech restriction "directly advance" the government's interest is necessarily met. Part 4 of the *Central Hudson* test, however, likely is not satisfied. In considering application of this aspect of *Central Hudson*, the Court's evaluation of the validity of taxes on noncommercial speech is instructive. Because the casino advertising tax is not truly general, but narrowly targets a specific category of advertising and a limited group of speakers, it is more extensive than necessary to achieve the governmental interest, as more narrowly tailored alternatives which avoid the selective taxation proposed could be enacted to further the state's need to raise revenue. For example, the tax could be imposed on all advertising, thus avoiding the disproportionate impact on specific commercial speech implicated by the narrow "casino advertising" tax. As a result, we do not believe that the casino advertising tax proposed under AM 1376 would be likely to survive scrutiny if challenged as violating the First Amendment.³

II. CONCLUSION

Based on the foregoing, we conclude that the casino advertising tax proposed under AM 1376 to LB 759 is constitutionally suspect. Extending the sales tax to only casino advertising, as opposed to advertising generally, singles out a distinct form of advertising for taxation, and appears to target a few selected speakers. As such, the tax does not seem to be the type of "generally applicable" tax impacting speech which the United States Supreme Court has held is permissible under the First Amendment. For the same reason, the casino advertising tax probably does not satisfy the requirement of the last portion of the Court's Central Hudson test for assessing the constitutionality of restrictions on commercial speech. Because the casino advertising tax is not truly general, but narrowly targets a specific category of advertising and a limited group of speakers, it is more extensive than necessary to achieve the governmental interest of raising revenue, as more narrowly tailored alternatives which avoid the selective taxation proposed could be enacted to further the state's revenue raising needs.

¹ The First Amendment, including the rights to freedom of speech and freedom of the press, are applicable to the states by virtue of the due process clause of the Fourteenth Amendment. See *Gitlow v. New York*, 268 U.S. 652, 666 (1925).

² The casino advertising tax has reportedly been justified as a means to raise revenue to fund programs which deal with the social costs imposed on Nebraska resulting from the harm its citizens suffer because of legalized casino gambling in other states. Nothing in the proposed legislation indicates any revenue raised by the casino advertising tax is dedicated for such a purpose, and, as such, it must be evaluated as a general revenue raising measure.

³ Because the tax at issue is directed only to "casino advertising," it has been suggested that the tax is a "content-based" restriction on free speech subject to strict or heightened scrutiny. The Court has declined to adopt a strict scrutiny approach to content specific commercial speech regulations, and has consistently applied "the somewhat less rigorous standards of Central Hudson." *Anderson v. Treadwell*, 294 F.3d 453, 460 (2d Cir. 2002) (citing *Thompson v. Western States Medical Center*, 535 U.S. 357 (2002)). Since we believe the proposed tax fails to satisfy the traditional Central Hudson standard, it is not necessary to consider if a heightened "content-based" scrutiny would be appropriate.

Very truly yours,
JON BRUNING
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

SELECT FILE

LEGISLATIVE BILL 407. Senator Schimek offered the following motion: Reconsider the vote on AM1778.

Senators McDonald and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Smith 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.

Senator Schimek moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Schimek requested a record vote on her motion to reconsider.

Voting in the affirmative, 17:

Beutler	Hudkins	Maxwell	Schimek	Tyson
Erdman	Jensen	Mossey	Schrock	
Foley	Landis	Quandahl	Smith	
Friend	Louden	Raikes	Thompson	

Voting in the negative, 28:

Aguilar	Byars	Engel	Kruse	Price
Baker	Chambers	Hartnett	McDonald	Redfield
Bourne	Combs	Janssen	Mines	Stuhr
Bromm	Connealy	Johnson	Pedersen, Dw.	Synowiecki
Brown	Cudaback	Jones	Pederson, D.	
Burling	Cunningham	Kremer	Preister	

Present and not voting, 2:

Stuthman	Vrtiska

Excused and not voting, 2:

Brashear	Wehrbein

The Schimek motion to reconsider failed with 17 ayes, 28 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 52. Reported to the Legislature for further consideration.

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.

State Personnel Board
Mary C. Colacurci

VOTE: Aye: Senators Aguilar, Brown, Burling, Combs, McDonald, Schimek, Smith, and Vrtiska. Nay: None. Absent: None.

(Signed) DiAnna R. Schimek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 135. Introduced by Brown, 6; Stuhr, 24.

PURPOSE: The purpose of this study is to examine alternatives to provide a program for early retirement for long-term state employees who are fifty-five years of age and older.

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

SELECT FILE

LEGISLATIVE BILL 407. Senator D. Pederson withdrew the Wehrbein pending amendment, AM1870, found on page 1764.

Senator Dw. Pedersen reoffered his amendment, AM1563, found on page 1761.

Senator Dw. Pedersen asked unanimous consent to withdraw his pending amendment, AM1563, found on page 1761, and replace it with his substitute amendment, AM1647. No objections. So ordered.

AM1647

(Amendments to Standing Committee amendments, AM1111)

- 1 1. On page 80, line 21, strike "136,821,679" and insert
- 2 "130,114,384"; and in line 25 strike "159,362,092" and insert
- 3 "152,654,797".
- 4 2. On page 82, after line 1 insert:
- 5 "There is included in the appropriation to this program
- 6 for FY2003-04 \$3,211,234 General Funds to be used for the operation
- 7 of the McCook Incarceration Work Camp. There is included in the
- 8 appropriation to this program for FY2004-05 \$-0- General Funds to
- 9 be used to operate the McCook Incarceration Work Camp as a work
- 10 camp.
- 11 There is included in the appropriation to this program
- 12 for FY2003-04 \$3,496,061 General Funds to be used for the operation
- 13 of the Nebraska Correctional Youth Facility. There is included in
- 14 the appropriation to this program for FY2004-05 \$-0- General Funds
- 15 to be used to operate the Nebraska Correctional Youth Facility as a
- 16 youth facility."

SENATOR CUDABACK PRESIDING

Senator Dw. Pedersen withdrew his amendment.

Senators Bromm, Schimek, Wehrbein, Raikes, and Hartnett offered the following amendment:

AM1896

- 1 1. Insert the following new section:
- 2 "Sec. 275. (1) The Executive Board of the Legislative
- 3 Council shall create a task force to examine Nebraska's overall tax
- 4 structure, both revenue and spending, and overall government and
- 5 education structure.
- 6 (2) The executive board shall appoint the chairpersons of
- 7 the standing committees of the Legislature, the chairperson of the
- 8 executive board, and the Speaker of the Legislature to serve on the
- 9 Task Force to Review Government Structure and Taxation.
- 10 (3) The task force shall examine all of the major tax
- 11 programs used in Nebraska, the exemptions, credits, and other
- 12 preferences granted within those tax programs, the relative
- 13 reliance on each, and the combined burden they place on Nebraska
- 14 taxpayers in a variety of situations. In addition, the task force
- 15 shall examine the various political subdivisions and educational
- 16 facilities statutorily and constitutionally authorized in Nebraska
- 17 and their purpose, role, function, and necessity.
- 18 (4) The task force may include other lay, professional,
- 19 organizational, and governmental representatives in analyzing and
- 20 developing a report summarizing any recommendations for (a) the

21 restructure of government and education and (b) the revision of the
22 tax structure.

23 (5) The Legislative Fiscal Analyst and appropriate
24 committee staff shall serve as the staff for the task force.

1 (6) The task force shall present a report to the

2 Legislature no later than January 1, 2004."

3 2. Renumber the remaining sections accordingly.

The Bromm et al. amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Jensen offered the following amendment:

AM1854

(Amendments to Standing Committee amendments, AM1111)

1 1. On page 3, line 27, after "Funds" insert "from the
2 Nebraska Health Care Cash Fund".

3 2. On page 33, line 27, after "licensing" insert "from
4 the Nebraska Health Care Cash Fund".

5 3. On page 34, line 3, after "licensing" insert "from
6 the Nebraska Health Care Cash Fund".

7 4. On page 58, line 15, strike "statewide"; and strike
8 lines 18 through 27 and insert:

9 "There is included in the appropriation to this program
10 for FY2003-04 \$1,400,000 Cash Funds from the Nebraska Health Care
11 Cash Fund for state aid to be distributed equally among federally
12 qualified health centers in a congressional district with a
13 minority population of greater than seventy-five thousand
14 inhabitants. There is included in the appropriation to this
15 program for FY2004-05 \$1,400,000 Cash Funds from the Nebraska
16 Health Care Cash Fund for state aid to be distributed equally among
17 federally qualified health centers in a congressional district with
18 a minority population of greater than seventy-five thousand
19 inhabitants.

20 Such funds shall be used for the purpose of implementing
21 a minority health initiative which may target, but shall not be
22 limited to, infant mortality, cardiovascular disease, obesity,
23 diabetes, and asthma."

1 5. On page 59, strike line 1.

The Jensen amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Senator Schimek withdrew the Schimek-Raikes pending amendment, AM1834, found on page 1767.

Senators Schrock, Beutler, Schimek, Bourne, Kruse, Johnson, and Foley

offered the following amendment:

AM1912

(Amendments to AM1881)

- 1 1. On page 2, line 3, strike "393,119,402" and insert
- 2 "396,369,402"; and in line 4 strike "402,233,114" and insert
- 3 "405,483,114".

The Schrock et al. amendment lost with 10 ayes, 15 nays, 23 present and not voting, and 1 excused and not voting.

Senator Wehrbein moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 38:

Aguilar	Byars	Hudkins	Louden	Stuhr
Baker	Chambers	Janssen	McDonald	Stuthman
Beutler	Combs	Jensen	Mines	Synowiecki
Bourne	Connealy	Johnson	Pedersen, Dw.	Thompson
Brashear	Cudaback	Jones	Pederson, D.	Vrtiska
Bromm	Cunningham	Kremer	Price	Wehrbein
Brown	Engel	Kruse	Raikes	
Burling	Hartnett	Landis	Schrock	

Voting in the negative, 9:

Erdman	Friend	Mossey	Redfield	Tyson
Foley	Maxwell	Quandahl	Smith	

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Preister

Advanced to E & R for engrossment with 38 ayes, 9 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 136. Introduced by Bourne, 8.

PURPOSE: To examine the impact of manual strangulation, the resulting

injury potential to a victim of manual strangulation, and the charges filed under Nebraska law when such manual strangulation does not result in immediate death. The study should include, but not be limited to, a consideration of the injuries or potential injuries sustained by a victim of manual strangulation, including such permanent disabilities as brain damage and the exacerbation of preexisting conditions. The study should also include an examination of other states' laws with respect to aggravated assaults and statutes that classify manual strangulation assaults as felony crimes rather than misdemeanor crimes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 137. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to examine the financial assurance requirements in all of the programs in the Department of Environmental Quality and the Department of Agriculture and compare them to other states' financial assurance requirements to determine if the state is adequately protecting itself and its political subdivisions from potential costs by imposing adequate financial assurance requirements on licensees and permitholders.

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

1. That the Natural Resources and the Agriculture 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 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 138. Introduced by Cunningham, 40.

PURPOSE: The purpose of this resolution is to study the collective-bargaining process used by teachers' unions and school boards when determining the negotiated agreement for teachers. With the present teacher shortage that is occurring in Nebraska as well as other states, it is becoming increasingly difficult to hire teachers, particularly in certain fields. This study shall focus on whether school boards should be given statutory authority to deviate above the standard contract when necessary to attract quality teachers.

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

1. That the Business and Labor Committee and 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 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 139. Introduced by Dw. Pedersen, 39; Brashear, 4.

PURPOSE: The purpose of this interim study is to study the effect of closing the Lincoln Correctional Center as authorized by AM1778 to Legislative Bill 407, Ninety-eighth Legislature, First Session, 2003.

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

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 759:
AM1875

(Amendments to AM1831)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 "1. Insert the following new section:
- 4 'Sec. 22. Sales and use taxes imposed on the gross
- 5 income received for labor for repair services performed with regard
- 6 to motor vehicles shall not be imposed on the gross income received
- 7 for labor for repair services performed on passenger cars not
- 8 registered as commercial vehicles or repair services performed on
- 9 farm trucks. Terms used in this section have the meanings defined
- 10 in section 60-301.'
- 11 2. In AM1745, on page 5, line 10, and page 9, line 15,
- 12 before the semicolon insert 'or section 22 of this act'.
- 13 3. In AM7114, on page 8, lines 15 and 20, after 'act'
- 14 insert 'and section 22 of this act'."

Senator Raikes filed the following amendment to LB 379:

AM1889

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 77-2715.07, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 77-2715.07. (1) There shall be allowed to qualified
- 5 resident individuals as a nonrefundable credit against the income
- 6 tax imposed by the Nebraska Revenue Act of 1967:
- 7 (a) A credit equal to the federal credit allowed under
- 8 section 22 of the Internal Revenue Code; and
- 9 (b) A credit for taxes paid to another state as provided
- 10 in section 77-2730.
- 11 (2) There shall be allowed to qualified resident
- 12 individuals against the income tax imposed by the Nebraska Revenue
- 13 Act of 1967:
- 14 (a) For returns filed reporting federal adjusted gross
- 15 incomes of greater than twenty-nine thousand dollars, a
- 16 nonrefundable credit equal to twenty-five percent of the federal
- 17 credit allowed under section 21 of the Internal Revenue Code of
- 18 1986, as amended;
- 19 (b) For returns filed reporting federal adjusted gross
- 20 income of twenty-nine thousand dollars or less, a refundable credit
- 21 equal to a percentage of the federal credit allowable under section
- 22 21 of the Internal Revenue Code of 1986, as amended, whether or not
- 23 the federal credit was limited by the federal tax liability. The
- 24 percentage of the federal credit shall be one hundred percent for
- 1 incomes not greater than twenty-two thousand dollars, and the
- 2 percentage shall be reduced by ten percent for each one thousand
- 3 dollars, or fraction thereof, by which the reported federal
- 4 adjusted gross income exceeds twenty-two thousand dollars; and
- 5 (c) A refundable credit for individuals who qualify for
- 6 an income tax credit under the Beginning Farmer Tax Credit Act for
- 7 all taxable years beginning or deemed to begin on or after January
- 8 1, 2001, under the Internal Revenue Code of 1986, as amended.
- 9 (3) There shall be allowed to all individuals as a
- 10 nonrefundable credit against the income tax imposed by the Nebraska
- 11 Revenue Act of 1967:
- 12 (a) A credit for personal exemptions allowed under
- 13 section 77-2716.01; and
- 14 (b) A credit for contributions to certified community
- 15 betterment programs as provided in the Community Development
- 16 Assistance Act. Each partner, each shareholder of an electing
- 17 subchapter S corporation, each beneficiary of an estate or trust,
- 18 or each member of a limited liability company shall report his or
- 19 her share of the credit in the same manner and proportion as he or
- 20 she reports the partnership, subchapter S corporation, estate,
- 21 trust, or limited liability company income.
- 22 (4) There shall be allowed as a credit against the income
- 23 tax imposed by the Nebraska Revenue Act of 1967:
- 24 (a) A credit to all resident estates and trusts for taxes

- 25 paid to another state as provided in section 77-2730; and
26 (b) A credit to all estates and trusts for contributions
27 to certified community betterment programs as provided in the
1 Community Development Assistance Act.
2 (5) There shall be allowed to all business firms as a
3 credit against the income tax imposed by the Nebraska Revenue Act
4 of 1967 a credit as provided in section 77-27,222.
5 (6) For all taxable years beginning or deemed to begin on
6 or after January 1, 2003, there shall be allowed to resident
7 individual taxpayers a credit against the income tax imposed by the
8 Nebraska Revenue Act of 1967 in an amount equal to twenty-five
9 percent of the premium costs paid during the taxable year for one
10 or more long-term care insurance policies issued pursuant to the
11 Long-Term Care Insurance Act that offer coverage to the individual,
12 the individual's spouse, parent, or immediate family member, or a
13 dependent for whom the individual was allowed to deduct a personal
14 exemption credit for the taxable year. No taxpayer shall be
15 entitled to such credit with respect to the same expended amounts
16 for long-term care insurance which are claimed by another taxpayer
17 in any state. The credit allowed by this subsection shall not
18 exceed five hundred dollars and it shall not be refundable. Any
19 unused credit shall not be allowed to be carried forward to apply
20 to future taxable years. The Tax Commissioner shall annually
21 report to the Legislature the total dollar amount of credits
22 claimed under this subsection with the information reported under
23 subsection (7) of section 77-2715.02."
24 2. On page 4, after line 7 insert the following new
25 subsection:
26 "(7) The Tax Commissioner shall annually estimate the
27 increased revenue resulting from the changes made to this section
1 by this legislative bill and report such amount to the Legislature
2 with the information reported under subsection (6) of section
3 77-2715.07."; in line 8 strike "section 77-2715.02" and insert
4 "sections 77-2715.02 and 77-2715.07"; and in line 9 strike "is" and
5 insert "are".
6 3. Renumber the remaining section accordingly.

Senator Raikes filed the following amendment to LB 574:
AM1816

(Amendments to E & R amendments, AM7131)

- 1 1. Strike section 21 and insert the following new
2 section:
3 "Sec. 21. Section 9-812, Revised Statutes Supplement,
4 2002, as amended by section 1, Legislative Bill 367, Ninety-eighth
5 Legislature, First Session, 2003, is amended to read:
6 9-812. (1) All money received from the operation of
7 lottery games conducted pursuant to the State Lottery Act in
8 Nebraska shall be credited to the State Lottery Operation Trust
9 Fund, which fund is hereby created. All payments of expenses of

10 the operation of the lottery games shall be made from the State
11 Lottery Operation Cash Fund. In accordance with legislative
12 appropriations, money for payments for expenses of the division
13 shall be transferred from the State Lottery Operation Trust Fund to
14 the State Lottery Operation Cash Fund, which fund is hereby
15 created. All money necessary for the payment of lottery prizes
16 shall be transferred from the State Lottery Operation Trust Fund to
17 the State Lottery Prize Trust Fund, which fund is hereby created.
18 The amount used for the payment of lottery prizes shall not be less
19 than forty percent of the dollar amount of the lottery tickets
20 which have been sold. Until October 1, 2003, at least twenty-five
21 percent and beginning ~~Beginning~~ October 1, 2003, and until January
22 1, 2008, a portion of the dollar amount of the lottery tickets
23 which have been sold on an annualized basis shall be transferred
24 1 from the State Lottery Operation Trust Fund to the Education
25 Innovation Fund, the Nebraska Scholarship Fund, the Nebraska
26 Environmental Trust Fund, and the Compulsive Gamblers Assistance
27 Fund, except that the dollar amount transferred shall not be less
28 than the dollar amount transferred to the funds in fiscal year
29 2002-03. On and after January 1, 2008, at least twenty-five
30 percent of the dollar amount of the lottery tickets which have been
31 sold on an annualized basis shall be transferred from the State
32 Lottery Operation Trust Fund to the Education Innovation Fund, the
33 Nebraska Scholarship Fund, the Nebraska Environmental Trust Fund,
34 11 and the Compulsive Gamblers Assistance Fund. Of the money
35 available to be transferred to the Education Innovation Fund, the
36 Nebraska Scholarship Fund, the Nebraska Environmental Trust Fund,
37 14 and the Compulsive Gamblers Assistance Fund, the first five hundred
38 thousand dollars shall be transferred to the Compulsive Gamblers
39 Assistance Fund to be used as provided in sections 83-162.01 to
40 83-162.04. ~~Thereafter, forty-nine and one-half~~ Twenty-four and
41 three-fourths percent of the money remaining after the payment of
42 prizes and operating expenses and the initial transfer to the
43 Compulsive Gamblers Assistance Fund shall be transferred to the
44 Education Innovation Fund. Twenty-four and three-fourths percent
45 of the money remaining after the payment of prizes and operating
46 expenses and the initial transfer to the Compulsive Gamblers
47 Assistance Fund shall be transferred to the Nebraska Scholarship
48 Fund. Forty-nine and one-half percent of the money remaining after
49 the payment of prizes and operating expenses and the initial
50 transfer to the Compulsive Gamblers Assistance Fund shall be
51 transferred to the Nebraska Environmental Trust Fund to be used as
52 provided in the Nebraska Environmental Trust Act. One percent of
53 the money remaining after the payment of prizes and operating
54 expenses and the initial transfer to the Compulsive Gamblers
55 Assistance Fund shall be transferred to the Compulsive Gamblers
56 Assistance Fund to be used as provided in sections 83-162.01 to
57 83-162.04.

8 (2) The Education Innovation Fund is hereby created. At

9 least seventy-five percent of the lottery proceeds allocated to the
10 Education Innovation Fund shall be available for disbursement. For
11 each fiscal year except fiscal years 2003-04 and 2004-05, the
12 Education Innovation Fund shall be allocated in the following
13 manner: Up to ~~ten~~ twenty percent to fund the mentor teacher
14 program pursuant to the Quality Education Accountability Act; ~~up to~~
15 ~~sixty percent as quality education incentives pursuant to the act;~~
16 up to ~~twenty~~ forty percent to the Attracting Excellence to Teaching
17 Program Cash Fund to fund the Attracting Excellence to Teaching
18 Program Act; and up to ~~ten~~ forty percent of the fund shall be
19 allocated by the Governor. For fiscal years 2003-04 and 2004-05,
20 the Education Innovation Fund shall be allocated to the General
21 Fund after operating expenses for the Excellence in Education
22 Council are deducted.

23 Allocations by the Governor shall be through incentive
24 grants to encourage the development of strategic school improvement
25 plans by school districts for accomplishing high performance
26 learning and to encourage schools to establish innovations in
27 programs or practices that result in restructuring of school
1 organization, school management, and instructional programs which
2 bring about improvement in the quality of education. Such
3 incentive grants allocated by the Governor are intended to provide
4 selected school districts, teachers or groups of teachers,
5 nonprofit educational organizations, educational service units, or
6 cooperatives funding for the allowable costs of implementing pilot
7 projects and model programs.

8 From the funds allocated by the Governor, minigrants
9 shall be available to school districts to support the development
10 of strategic school improvement plans which shall include
11 statements of purposes and goals for the districts. The plans
12 shall also include the specific statements of improvement or
13 strategic initiatives designed to improve quality learning for
14 every student.

15 In addition to the minigrants granted for the development
16 of strategic school improvement plans, school districts with annual
17 budget expenditures of three hundred fifty thousand dollars or less
18 are eligible for minigrants from the funds allocated by the
19 Governor for the purposes allowed in subdivisions (2)(a) through
20 (q) of this section. The amount of this type of minigrant shall
21 not exceed five thousand dollars. The school district shall
22 present a curriculum support plan with its application for the
23 grant. The curriculum support plan must show how the district is
24 working to achieve one or more of the allowed purposes and how the
25 grant will be used to directly advance the plan to achieve one or
26 more of these purposes. The plan must be signed by the school
27 administrator and a school board representative. The application
1 for the grant shall be brief. The Excellence in Education Council
2 shall select the recipients of this type of minigrant and shall
3 administer such minigrants.

- 4 From the funds allocated by the Governor, major
5 competitive grants shall be available to support innovative
6 programs which are directly related to the strategic school
7 improvement plans. The development of a strategic school
8 improvement plan by a school district shall be required before a
9 grant is awarded. Annual reports shall be made by program
10 recipients documenting the effectiveness of the program in
11 improving the quality of education as designed in the strategic
12 school improvement plans. Special consideration shall be given to
13 plans which contain public or private matching funds and
14 cooperative agreements, including agreements for in-kind services.
15 Purposes for which such major competitive grants would be offered
16 shall include:
- 17 (a) Professional staff development programs to provide
18 funds for teacher and administrator training and continuing
19 education to upgrade teaching and administrative skills;
 - 20 (b) The development of strategic school improvement plans
21 by school districts;
 - 22 (c) Educational technology assistance to public schools
23 for the purchase and operation of computers, telecommunications
24 equipment and services, and other forms of technological innovation
25 which may enhance classroom teaching, instructional management, and
26 districtwide administration. Telecommunications equipment,
27 services, and forms of technical innovation shall be approved only
28 1 after review by the technical panel created in section 86-521;
 - 29 2 (d) An educational accountability program to develop an
30 3 educational indicators system to measure the performance and
31 4 outcomes of public schools and to ensure efficiency in operations;
 - 32 5 (e) Alternative programs for students, including
33 6 underrepresented groups, at-risk students, and dropouts;
 - 34 7 (f) Programs that demonstrate improvement of student
35 8 performance against valid national and international achievement
36 9 standards;
 - 37 10 (g) Early childhood and parent education which emphasizes
38 11 child development;
 - 39 12 (h) Programs using decisionmaking models that increase
40 13 involvement of parents, teachers, and students in school
41 14 management;
 - 42 15 (i) Increased involvement of the community in order to
43 16 achieve increased confidence in and satisfaction with its schools;
 - 44 17 (j) Development of magnet or model programs designed to
45 18 facilitate desegregation;
 - 46 19 (k) Programs that address family and social issues
47 20 impairing the learning productivity of students;
 - 48 21 (l) Programs enhancing critical and higher-order thinking
49 22 capabilities;
 - 50 23 (m) Programs which produce the quality of education
51 24 necessary to guarantee a competitive work force;
 - 52 25 (n) Programs designed to increase productivity of staff

26 and students through innovative use of time;

27 (o) Training programs designed to benefit teachers at all
1 levels of education by increasing their ability to work with
2 educational technology in the classroom;

3 (p) Approved accelerated or differentiated curriculum
4 programs under sections 79-1106 to 79-1108.03; and

5 (q) Programs for children from birth to age twenty-one
6 years with disabilities receiving special education under the
7 Special Education Act and children from birth to age twenty-one
8 years needing support services as defined in section 79-1125.01,
9 which programs demonstrate improved outcomes for children from
10 birth to age twenty-one years through emphasis on prevention and
11 collaborative planning.

12 The Governor shall establish the Excellence in Education
13 Council. The Governor shall appoint eleven members to the council
14 including representatives of educational organizations,
15 postsecondary educational institutions, the business community, and
16 the general public, members of school boards and parent education
17 associations, school administrators, and at least four teachers who
18 are engaged in classroom teaching. The State Department of
19 Education shall provide staff support for the council to administer
20 the Education Innovation Fund, including the Quality Education
21 Accountability Act. The council shall have the following powers
22 and duties:

23 (i) In consultation with the department, develop and
24 publish criteria for the awarding of incentive grants allocated by
25 the Governor for programs pursuant to this subsection, including
26 minigrants;

27 (ii) Provide recommendations to the Governor regarding
1 the selection of projects to be funded and the distribution and
2 duration of project funding;

3 (iii) Establish standards, formats, procedures, and
4 timelines for the successful implementation of approved programs
5 funded by incentive grants allocated by the Governor from the
6 Education Innovation Fund;

7 (iv) Assist school districts in determining the
8 effectiveness of the innovations in programs and practices and
9 measure the subsequent degree of improvement in the quality of
10 education;

11 (v) Consider the reasonable distribution of funds across
12 the state and all classes of school districts;

13 (vi) Carry out its duties pursuant to the Quality
14 Education Accountability Act; and

15 (vii) Provide annual reports to the Governor concerning
16 programs funded by the fund. Each report shall include the number
17 of applicants and approved applicants, an overview of the various
18 programs, objectives, and anticipated outcomes, and detailed
19 reports of the cost of each program.

20 To assist the council in carrying out its duties, the

21 State Board of Education shall, in consultation with the council,
 22 adopt and promulgate rules and regulations establishing criteria,
 23 standards, and procedures regarding the selection and
 24 administration of programs funded from the Education Innovation
 25 Fund, including the Quality Education Accountability Act.
 26 (3) Recipients of incentive grants allocated by the
 27 Governor from the Education Innovation Fund shall be required to
 1 provide, upon request, such data relating to the funded programs
 2 and initiatives as the Governor deems necessary.
 3 (4) Any money in the State Lottery Operation Trust Fund,
 4 the State Lottery Operation Cash Fund, the State Lottery Prize
 5 Trust Fund, or the Education Innovation Fund available for
 6 investment shall be invested by the state investment officer
 7 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 8 State Funds Investment Act.
 9 (5) Unclaimed prize money on a winning lottery ticket
 10 shall be retained for a period of time prescribed by rules and
 11 regulations. If no claim is made within such period, the prize
 12 money shall be used at the discretion of the Tax Commissioner for
 13 any of the purposes prescribed in this section."
 14 2. On page 26, line 12, after "systems" insert "or the
 15 Nebraska educational savings plan trust".
 16 3. On page 28, line 7, after the stricken matter insert
 17 "Community Scholarship Foundation Program Act and the".
 18 4. On page 42, line 7, strike "and sections 9-812," and
 19 insert "sections"; and in line 9 after the last comma insert "and
 20 section 9-812, Revised Statutes Supplement, 2002, as amended by
 21 section 1, Legislative Bill 367, Ninety-eighth Legislature, First
 22 Session, 2003,".

Senator Chambers filed the following amendment to LB 283:
 AM1891

(Amendments to Standing Committee amendments, AM0702)

- 1 1. On page 1, line 2, strike "twenty-nine" and insert
- 2 "thirty-one".

Senator Chambers filed the following amendment to LB 759:
 AM1892

(Amendments to E & R amendments, AM7114)

- 1 1. On page 1, line 7, strike "twenty-nine" and insert
- 2 "thirty-one".

SELECT FILE

LEGISLATIVE BILL 403. E & R amendment, AM7124, found on page 1603, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 403A. Senator Wehrbein renewed his pending amendment, AM1840, found on page 1756.

The Wehrbein amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 408. E & R amendment, AM7125, printed separately and referred to on page 1603, was adopted.

Senator Wehrbein renewed his pending amendment, AM1669, found on page 1655.

The Wehrbein amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Thompson renewed her pending amendment, AM1849, found on page 1754.

Senator Hartnett asked unanimous consent to be excused. No objections. So ordered.

Senator Thompson offered the following amendment to her pending amendment:

FA1361

Amend AM1849

On page three, lines 3, 4, and 7 strike "thirty-three million eight" and insert "sixteen million nine"

Senator Brashear 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 33 ayes, 0 nays, and 16 not voting.

Senator Thompson moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Thompson requested a roll call vote on her amendment.

Voting in the affirmative, 5:

Chambers	Kruse	Price	Schimek	Thompson

Voting in the negative, 35:

Aguilar	Connealy	Jensen	Mines	Smith
Baker	Cunningham	Johnson	Mossey	Stuhr
Bourne	Engel	Jones	Pedersen, Dw.	Stuthman
Bromm	Erdman	Kremer	Pederson, D.	Synowiecki
Brown	Friend	Landis	Quandahl	Tyson
Byars	Hudkins	Louden	Raikes	Vrtiska
Combs	Janssen	McDonald	Redfield	Wehrbein

Present and not voting, 6:

Beutler	Cudaback	Maxwell
Burling	Foley	Schrock

Excused and not voting, 3:

Brashear	Hartnett	Preister

The Thompson amendment lost with 5 ayes, 35 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Thompson pending amendment, AM1849, was renewed.

Senator Dw. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Senator Thompson moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Thompson requested a roll call vote on her amendment.

Voting in the affirmative, 4:

Chambers	Price	Schimek	Thompson

Voting in the negative, 38:

Aguilar	Connealy	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Pederson, D.	Synowiecki
Bromm	Engel	Kremer	Quandahl	Tyson
Brown	Erdman	Landis	Raikes	Vrtiska
Burling	Friend	Louden	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schrock	
Combs	Janssen	Mines	Smith	

Present and not voting, 4:

Beutler Foley Kruse Maxwell

Excused and not voting, 3:

Brashear Hartnett Preister

The Thompson amendment lost with 4 ayes, 38 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bourne withdrew his pending amendments, AM1825 and AM1826, found on pages 1756 and 1757.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 140. Introduced by Beutler, 28.

PURPOSE: To study Nebraska's corporate registration tax. The study should include, but not be limited to, an examination of any constitutional issues surrounding the tax, a comparison of Nebraska's tax scheme to surrounding states, the available alternatives for changing the method of assessing the tax, and the implications any potential changes might have on the revenue generated by the tax.

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

1. That 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.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 540:
AM1926

(Amendments to Final Reading copy)

- 1 1. On page 4, line 22, strike "four" and insert "five".

Senator Brashear filed the following amendment to LB 440:
AM1899

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 77-27,137.01, Reissue Revised Statutes

3 of Nebraska, is amended to read:

4 77-27,137.01. (1) The appropriation provided for in
5 section 77-27,136 for aid to incorporated municipalities shall be
6 allocated by the Tax Commissioner to the various incorporated
7 municipalities. The Tax Commissioner shall determine the amount to
8 be distributed to the incorporated municipalities and certify such
9 amounts by voucher to the Director of Administrative Services.
10 Each amount shall be distributed in seven as nearly as possible
11 equal monthly payments on the last business day of each month
12 beginning in December. The State Treasurer shall, on the business
13 day preceding the last business day of each month, notify the
14 Director of Administrative Services of the amount of funds
15 available in the General Fund for payment purposes. The Director
16 of Administrative Services shall, on the last business day of each
17 month, draw warrants against funds appropriated. The Tax
18 Commissioner shall compute the amount due the incorporated
19 municipalities on the ratio of the population of the particular
20 incorporated municipality to the total population of all
21 incorporated municipalities in the state as determined by the most
22 recent federal census figures certified by the Tax Commissioner as
23 provided in section 77-3,119, which amounts shall be placed in the
24 general fund of such municipalities.

1 (2) Each fiscal year, the Tax Commissioner shall
2 determine the best estimate of the amount of additional sales and
3 use tax revenue raised by each municipality under the Local Option
4 Revenue Act as a result of changes in section 77-2702.07 made by
5 Legislative Bill 759, Ninety-eighth Legislature, First Session,
6 2003. On June 30 of each year, each municipality shall rebate to
7 the Tax Commissioner an amount equal to the lesser of the amount of
8 additional sales and use tax revenue so raised or the amount of aid
9 distributed pursuant to this section. Any such rebates shall be
10 credited to the General Fund."

11 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Connealy asked unanimous consent to have his name added as cointroducer to LB 760. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LR 104. No objections. So ordered.

VISITORS

Visitors to the Chamber were 53 fourth-grade students and teachers from Engleman Elementary School, Grand Island; Senator Johnson's brother, David, from Rockford, Illinois; 30 seventh- and eighth-grade students and teachers from Trinity Lutheran School, Fremont; and 20 fourth-grade students and teacher from Ponca Elementary School, Omaha.

ADJOURNMENT

At 8:13 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Thursday, May 15, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 15, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 15, 2003

PRAYER

The prayer was offered by Senator Kruse.

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 Redfield and Schimek who were excused; and Senators Brashear, Engel, Landis, and Quandahl who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth 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 141. Introduced by Wehrbein, 2.

PURPOSE:

The Nebraska Forest Service provides education and services to Nebraskans covering all aspects of planting, protection, care, and utilization of our forest and tree resources. Through its work with volunteer fire departments, the Nebraska Forest Service also provides fire protection to all rural land, including rangeland and cropland.

The mission of the Nebraska Forest Service is to provide technical assistance and support for rural fire control, rural forestry assistance, community forestry, and forest pest management programs, and the service is part of the University of Nebraska-Lincoln's public service activities.

State law provides, and the policy of the Board of Regents of the

University of Nebraska states, that the university's first priority is undergraduate instruction, the university's second priority is graduate and professional instruction and research, and the university's third priority is public service, but during state budget reductions and reallocations, funding for the Nebraska Forest Service may be in jeopardy due to its priority status within the University. The elimination of the Nebraska Forest Service would have a profound impact on Nebraska citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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. The study shall include, but need not be limited to, an analysis of the following:

(1) Funding requirements necessary to preserve, at a minimum, the Nebraska Forest Service core programs of rural fire control, rural forestry assistance, community forestry, and forest pest management;

(2) Funding requirements necessary to ensure compliance with federal law and federal rules and regulations;

(3) Funding necessary for federal matching requirements;

(4) How Nebraska Forest Service programs should be coordinated among federal, state, and local agencies; and

(5) Alternatives for the administration and management of the Nebraska Forest Service, including, but not limited to: Changing it to a free-standing state agency, making it a part of an existing state agency, aligning it with the natural resources districts, or modifying the existing arrangement with the University of Nebraska-Lincoln.

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 410. Senator Wehrbein renewed his pending amendment, AM1711, found on page 1753.

The Wehrbein 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 415. Advanced to E & R for engrossment.

LEGISLATIVE BILL 424. E & R amendment, AM7122, found on page 1603, was adopted.

Senator Beutler offered the following amendment:
AM1656

(Amendments to Standing Committee amendments, AM1389)

- 1 1. On page 6, line 16, after "Fund" insert "and one
- 2 hundred thousand dollars from the separate trust fund to the
- 3 Treasury Management Cash Fund".

The Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 798. E & R amendment, AM7128, found on page 1603, was adopted.

Senator Beutler withdrew his pending amendment, AM1701, found on page 1593.

Senator Wehrbein renewed his pending amendment, AM1835, found on page 1754.

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Raikes renewed his pending amendment, AM1674, found on page 1765.

Senator Raikes withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 799. E & R amendment, AM7121, found on page 1604, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 804. Advanced to E & R for engrossment.

LEGISLATIVE BILL 796. Advanced to E & R for engrossment.

LEGISLATIVE BILL 411. E & R amendment, AM7129, found on page 1604, was adopted.

Senator Jensen offered the following amendment:
AM1888

(Amendments to E & R amendments, AM7129)

- 1 1. On page 2, line 7, strike "cleft lip and palate" and
- 2 insert "craniofacial birth defects affecting the occlusion".

The Jensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 412. Senators Jensen and Byars offered the following amendment:

AM1890

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-1628.07, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 71-1628.07. (1) The Department of Health and Human
- 6 Services shall establish a satellite office of minority health in
- 7 each congressional district to coordinate and administer state
- 8 policy relating to minority health. Each office shall implement a
- 9 minority health initiative in counties with a minority population
- 10 of at least five percent of the total population of the county as
- 11 determined by the most recent federal decennial census which shall
- 12 target, but not be limited to, infant mortality, cardiovascular
- 13 disease, obesity, diabetes, and asthma.
- 14 (2) ~~In any congressional district which has a minority~~
- 15 ~~population over seventy five thousand inhabitants, any funds~~
- 16 ~~appropriated under subdivision (2)(a) of section 71-7611.03 shall~~
- 17 ~~be distributed as follows: Seventy percent to federally qualified~~
- 18 ~~health centers which serve primarily African Americans and thirty~~
- 19 ~~percent to federally qualified health centers which serve primarily~~
- 20 ~~Spanish-speaking persons and Native Americans.~~
- 21 (3) ~~Each office shall prepare an annual report regarding~~
- 22 ~~the implementation of the minority health initiative in the prior~~
- 23 ~~minority health initiatives implemented in the immediately~~
- 24 ~~preceding fiscal year. The report shall be submitted to the~~
- 1 department by October 1. The department shall submit ~~the report~~
- 2 such reports to the Health and Human Services Committee of the
- 3 Legislature by December 1.
- 4 Sec. 2. Section 71-1628.08, Revised Statutes Supplement,
- 5 2002, is amended to read:
- 6 71-1628.08. (1) The County Public Health Aid Program is
- 7 created. Aid as appropriated by the Legislature ~~from the Nebraska~~
- 8 ~~Health Care Cash Fund~~ shall be distributed in each fiscal year as
- 9 provided in ~~subsections (2) through (4) of this section.~~
- 10 (2) ~~The department shall reserve two million dollars in~~
- 11 ~~each fiscal year for purposes of this subsection. Of funds~~
- 12 ~~appropriated by the Legislature under subsection (1) of this~~
- 13 ~~section, the following amounts shall be distributed to local public~~
- 14 ~~health departments established under sections 71-1626 to 71-1636:~~
- 15 (a) One hundred thousand dollars ~~shall be distributed~~
- 16 ~~each fiscal year~~ to each local public health department established

17 ~~under sections 71-1626 to 71-1636 which is composed of by at least~~
18 ~~three contiguous counties and has with a total population of at~~
19 ~~least thirty thousand and not more than fifty thousand persons;~~

20 ~~(b) residents within its geographically defined~~
21 ~~community. One hundred twenty-five thousand dollars shall be~~
22 ~~distributed each fiscal year to each local public health department~~
23 ~~established under sections 71-1626 to 71-1636 which has by one or~~
24 ~~more counties with a total population of more than fifty thousand~~
25 ~~and not more than one hundred thousand persons; and~~

26 ~~(c) residents within its geographically defined~~
27 ~~community. One hundred fifty thousand dollars shall be distributed~~
1 ~~each fiscal year to each local public health department established~~
2 ~~under sections 71-1626 to 71-1636 which has by one or more counties~~
3 ~~with a total population of more than one hundred thousand persons.~~
4 ~~residents within its geographically defined community. Each local~~
5 ~~public health department shall use such funds for establishment,~~
6 ~~management, and operation of such department and its core public~~
7 ~~health functions. The Health and Human Services Committee of the~~
8 ~~Legislature shall annually review the number of local public health~~
9 ~~departments accessing funds pursuant to this subsection.~~

10 (3) ~~The department shall allocate a percentage of the~~
11 ~~remainder of funds appropriated under the County Public Health Aid~~
12 ~~Program to each county. Any appropriated funds not distributed under~~
13 ~~subsection (2) of this section shall be allocated among all~~
14 ~~counties on a per capita basis as determined by the most recent~~
15 ~~federal decennial census. The funds allocated for each county~~
16 ~~shall be distributed to the local public health department which is~~
17 ~~established by the county and receiving funding under subsection~~
18 ~~(2) of this section. Any appropriated funds that are not~~
19 ~~distributed under this subsection in any fiscal year shall not be~~
20 ~~reappropriated under this section. of the county if the county has~~
21 ~~more than fifty thousand residents or the local public health~~
22 ~~department of which the county is a part if the department is~~
23 ~~composed of at least three counties and has at least thirty~~
24 ~~thousand residents within its geographically defined community. If~~
25 ~~a county does not have or is not a part of such a local public~~
26 ~~health department, the county's share of funds under this~~
27 ~~subsection shall be held for the remainder of the fiscal year and~~
1 ~~may be distributed to the county at any time during such year if~~
2 ~~the county establishes a local public health department pursuant to~~
3 ~~section 71-1628.02 or enters an interlocal agreement to establish~~
4 ~~or become a part of a local public health department pursuant to~~
5 ~~section 71-1628.02 or 71-1628.03.~~

6 (4) ~~Funds received by a local public health department~~
7 ~~appropriated under this section shall not be used to replace or~~
8 ~~reduce any existing county funding to such any local public health~~
9 ~~department. Funds distributed Funding for any local public health~~
10 ~~department under this section shall be reduced to offset any such~~
11 ~~replacement or reduction.~~

12 Sec. 3. Section 71-5714, Revised Statutes Supplement,
13 2002, is amended to read:

14 71-5714. The Tobacco Prevention and Control Cash Fund is
15 created. ~~Except as otherwise provided in this section, the~~ The
16 fund shall be ~~appropriated by the Legislature~~ used for a
17 comprehensive statewide tobacco-related public health program;
18 ~~including, but administered by the Department of Health and Human~~
19 ~~Services which includes, but is not limited to:~~ (1) ~~Community~~
20 community programs to reduce tobacco use, (2) chronic disease
21 programs, (3) school programs, (4) statewide programs, (5)
22 enforcement, (6) counter marketing, (7) cessation programs, (8)
23 surveillance and evaluation, and (9) administration, ~~and~~ (10)
24 ~~the Teen Tobacco Education and Prevention Project. The Legislature~~
25 ~~is not required to appropriate all available revenue from the~~
26 ~~Tobacco Prevention and Control Cash Fund for such purpose in any~~
27 ~~given year. The Health and Human Services Committee of the~~
1 ~~Legislature shall make annual recommendations for appropriations~~
2 ~~from the fund. The State Treasurer shall transfer five million~~
3 ~~dollars from the Tobacco Prevention and Control Cash Fund to the~~
4 ~~Department of Health and Human Services Finance and Support Cash~~
5 ~~Fund within five days after April 9, 2002. Any money in the~~
6 Tobacco Prevention and Control Cash Fund available for investment
7 shall be invested by the state investment officer pursuant to the
8 Nebraska Capital Expansion Act and the Nebraska State Funds
9 Investment Act.

10 Sec. 4. Section 71-7606, Revised Statutes Supplement,
11 2002, is amended to read:

12 71-7606. (1) The purpose of the Nebraska Health Care
13 Funding Act is to provide for the use of dedicated revenue ~~from~~
14 ~~specifically named funding sources~~ for health-care-related
15 expenditures.

16 (2) ~~Except as otherwise provided, any~~ Any funds
17 appropriated or distributed under the act shall not be considered
18 ongoing entitlements or obligations on the part of the State of
19 Nebraska and shall not be used to replace existing funding for
20 existing programs.

21 (3) No funds appropriated or distributed under the act
22 shall be used for abortion, abortion counseling, referral for
23 abortion, school-based health clinics, or research or activity of
24 any kind involving the use of human fetal tissue obtained in
25 connection with the performance of an induced abortion or involving
26 the use of human embryonic stem cells or for the purpose of
27 obtaining other funding for such use.

1 (4) The Department of Health and Human Services and the
2 Department of Health and Human Services Finance and Support shall
3 report annually to the Legislature and the Governor regarding the
4 use of funds appropriated under the act and the outcomes achieved
5 from such use.

6 Sec. 5. Section 71-7607, Revised Statutes Supplement,

7 2002, is amended to read:

8 71-7607. (1) The Nebraska Medicaid Intergovernmental
9 Trust Fund is created. The fund shall include revenue received
10 from governmental nursing facilities receiving payments for nursing
11 facility services under the medical assistance program established
12 pursuant to section 68-1018. The Department of Health and Human
13 Services Finance and Support shall remit such revenue to the State
14 Treasurer for credit to the fund, ~~except that (a) of such~~
15 ~~revenue received on or after July 1, 2001, nine million two hundred~~
16 ~~thousand dollars shall be remitted to the State Treasurer for~~
17 ~~credit to the Department of Health and Human Services Cash Fund and~~
18 ~~(b) of such revenue credited to the Nebraska Medicaid~~
19 ~~Intergovernmental Trust Fund in October 2001, the State Treasurer~~
20 ~~shall transfer five million eight hundred forty six thousand five~~
21 ~~hundred ninety three dollars to the Department of Health and Human~~
22 ~~Services Finance and Support Cash Fund within five days after~~
23 ~~November 9, 2001.~~ The department shall adopt and promulgate rules
24 and regulations to establish procedures for participation by
25 governmental nursing facilities and for the receipt of such revenue
26 under this section. Money from the Nebraska Medicaid
27 Intergovernmental Trust Fund shall be transferred to the Nebraska
1 Health Care Cash Fund as provided in section 71-7611.

2 (2) ~~If there is an unanticipated reduction in federal~~
3 ~~medicaid funds derived pursuant to this section, the~~ The department
4 may use revenue in the Nebraska Medicaid Intergovernmental Trust
5 Fund to offset ~~the amount of such reduction any unanticipated~~
6 ~~reductions in medicaid funds received under this section.~~

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. 6. Section 71-7608, Revised Statutes Supplement,
12 2002, is amended to read:

13 71-7608. The Nebraska Tobacco Settlement Trust Fund is
14 created. The fund shall include any settlement payments or other
15 revenue received by the State of Nebraska in connection with any
16 tobacco-related litigation to which the State of Nebraska is a
17 party. The Department of Health and Human Services Finance and
18 Support shall remit such revenue to the State Treasurer for credit
19 to the fund, ~~except that, of such revenue received on or after~~
20 ~~April 1, 2000, twenty one million dollars shall be credited to the~~
21 ~~Tobacco Prevention and Control Cash Fund as follows: (1) Seven~~
22 ~~million dollars in FY1999-00; (2) seven million dollars in~~
23 ~~FY2000-01, and (3) seven million dollars in FY2001-02.~~ Subject to
24 the terms and conditions of such litigation, money from the
25 Nebraska Tobacco Settlement Trust Fund shall be transferred to the
26 Nebraska Health Care Cash Fund as provided in section 71-7611. Any
27 money in the Nebraska Tobacco Settlement Trust Fund available for
1 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. 7. Section 71-7609, Revised Statutes Supplement,
5 2002, is amended to read:

6 71-7609. The Nursing Facility Conversion Cash Fund is
7 created. The fund shall be used for grants or loan guarantees made
8 by the Department of Health and Human Services Finance and Support
9 prior to January 1, 2002, to nursing facilities for capital or
10 one-time expenditures to convert all or a portion of such
11 facilities to licensed assisted-living facilities or other
12 alternatives to nursing facility care after deducting expenses
13 incurred in the administration of such grants or loan guarantees.
14 ~~Grants or loan guarantees awarded from the fund prior to January 1,~~
15 ~~2002, may be paid to eligible recipients. This section terminates~~
16 ~~on January 1, 2003. The~~ On or before July 15, 2003, the State
17 Treasurer shall transfer any unobligated balance in the fund ~~upon~~
18 ~~termination of this section to the Department of Health and Human~~
19 ~~Services Finance and Support to the Nebraska Health Care Cash Fund.~~
20 Any money in the Nursing Facility Conversion Cash 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. This section is revived to extend the
24 existence of the fund for the payment of grants or loan guarantees
25 made by the department prior to January 1, 2002, and to direct the
26 transfer of the unobligated balance in such fund.

27 Sec. 8. Section 71-7611, Revised Statutes Supplement,
1 2002, is amended to read:

2 71-7611. (1) The Nebraska Health Care Cash Fund is
3 created. ~~The fund shall include revenue transferred from the~~
4 ~~Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska~~
5 ~~Tobacco Settlement Trust Fund.~~ The State Treasurer shall transfer
6 fifty million dollars annually no later than July 15 from the
7 Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska
8 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash
9 Fund. The state investment officer upon consultation with the
10 Nebraska Investment Council shall advise the State Treasurer on the
11 amounts to be transferred from the Nebraska Medicaid
12 Intergovernmental Trust Fund and from the Nebraska Tobacco
13 Settlement Trust Fund under this section in order to sustain such
14 transfers in perpetuity. The state investment officer shall report
15 to the Legislature on or before October 1 of every even-numbered
16 year on the sustainability of such transfers.

17 (2) Any money in the Nebraska Health Care Cash Fund
18 available for investment shall be invested by the state investment
19 officer pursuant to the Nebraska Capital Expansion Act and the
20 Nebraska State Funds Investment Act.

21 Sec. 9. Section 71-7614, Revised Statutes Supplement,
22 2002, is amended to read:

23 71-7614. (1) The Nebraska Health Care Council is

24 created. The council shall consist of a chairperson and eight
25 additional members appointed by the Governor with the approval of a
26 majority of the Legislature. The members shall be appointed for
27 staggered three-year terms. The council shall include at least one
1 consumer, one health care provider, and one member of a racial or
2 ethnic minority. The Director of Finance and Support or his or her
3 designee shall be a nonvoting, ex officio member of the council.
4 Any vacancy shall be filled in the same manner as the original
5 appointment for the unexpired term. Members of the council shall
6 be reimbursed for their actual and necessary expenses as provided
7 in sections 81-1174 to 81-1177. The Department of Health and Human
8 Services Finance and Support shall provide staff support for the
9 council. The Department of Health and Human Services and the
10 Department of Health and Human Services Regulation and Licensure
11 shall also assist the Department of Health and Human Services
12 Finance and Support and the council as may be necessary.

13 (2) ~~Five million dollars of Funds as appropriated by the~~
14 ~~Legislature from~~ the Nebraska Health Care Cash Fund shall be used
15 ~~annually~~ for grants awarded by the council for public health
16 purposes as defined by the council and adopted in rules and
17 regulations of the Department of Health and Human Services Finance
18 and Support. At least ~~seven hundred thousand dollars of fifteen~~
19 ~~percent of the funds appropriated for~~ such grants shall be awarded
20 ~~annually~~ by the council to improve racial and ethnic minority
21 health. Grants awarded under this section shall not exceed three
22 years in duration, except that extensions of up to one year may be
23 granted by the council for good cause. The council shall report
24 all such extensions to the Department of Health and Human Services
25 Finance and Support and to the Health and Human Services Committee
26 of the Legislature.

27 (3) The Department of Health and Human Services Finance
1 and Support shall:
2 (a) In consultation with the council, develop criteria
3 for the awarding of grants from the fund pursuant to this section;
4 (b) Approve or disapprove decisions by the council
5 regarding the selection of projects to be funded and the
6 distribution of project funding;
7 (c) In consultation with the council, establish
8 standards, formats, procedures, and timelines for the successful
9 implementation of approved projects;
10 (d) In consultation with the council, assist grant
11 recipients in determining the effectiveness of the project and
12 measure the accomplishment of the grant objectives;
13 (e) Provide annual reports to the Governor and the
14 Legislature concerning the projects. Each report shall include a
15 listing of priorities established by the council for grants awarded
16 under this section, the number of applicants and approved
17 applicants for such grants, an overview of the various funded
18 projects, and detailed reports of the cost of such projects;

19 (f) In consultation with the council, adopt and
20 promulgate rules and regulations establishing criteria, standards,
21 and procedures regarding the selection and administration of funded
22 projects; and

23 (g) Require recipients of grants under this section to
24 provide such data relating to the funded projects as the department
25 deems necessary.

26 Sec. 10. This act becomes operative on July 1, 2003.

27 Sec. 11. Original sections 71-1628.07, 71-1628.08,
1 71-5714, 71-7606, 71-7607, 71-7608, 71-7609, and 71-7614, Revised
2 Statutes Supplement, 2002, are repealed.

3 Sec. 12. The following sections are outright repealed:

4 Sections 71-1628.02, 71-1628.03, and 71-7611.01 to 71-7611.08,
5 Revised Statutes Supplement, 2002.

6 Sec. 13. Since an emergency exists, this act takes
7 effect when passed and approved according to law."

The Jensen-Byars 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 414. E & R amendment, AM7127, found on page 1608, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 622. E & R amendment, AM7126, found on page 1608, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 685. E & R amendment, AM7133, printed separately and referred to on page 1655, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 440. E & R amendment, AM7132, found on page 1667, was adopted.

Senator Thompson renewed her pending amendment, AM1733, found on page 1712.

The Thompson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Wehrbein renewed his pending amendment, AM1781, found on page 1753.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Brashear withdrew his pending amendments, AM1883 and AM1899, found on pages 1766 and 1821.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 320. E & R amendment, AM7135, found on page 1675, was adopted.

Senator Beutler offered the following amendment:
AM1780

(Amendments to AM1720)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 24-703, Revised Statutes Supplement,
4 2002, is amended to read:
5 24-703. (1) Each original member shall contribute
6 monthly four percent of his or her monthly compensation to the fund
7 until the maximum benefit as limited in subsection (1) of section
8 24-710 has been earned. It shall be the duty of the Director of
9 Administrative Services in accordance with subsection (10) of this
10 section to make a deduction of four percent on the monthly payroll
11 of each original member who is a judge of the Supreme Court, a
12 judge of the Court of Appeals, a judge of the district court, a
13 judge of a separate juvenile court, a judge of the county court, a
14 clerk magistrate of the county court who was an associate county
15 judge and a member of the fund at the time of his or her
16 appointment as a clerk magistrate, or a judge of the Nebraska
17 Workers' Compensation Court showing the amount to be deducted and
18 its credit to the fund. The Director of Administrative Services
19 and the State Treasurer shall credit the four percent as shown on
20 the payroll and the amounts received from the various counties to
21 the fund and remit the same to the director in charge of the judges
22 retirement system who shall keep an accurate record of the
23 contributions of each judge.

1 (2) Each future member shall contribute monthly six
2 percent of his or her monthly compensation to the fund until the
3 maximum benefit as limited in subsection (2) of section 24-710 has
4 been earned. Any time the maximum benefit is changed, a future
5 member who has previously earned the maximum benefit as it existed
6 prior to the change shall contribute monthly six percent of his or
7 her monthly compensation to the fund until the maximum benefit as
8 changed and as limited in subsection (2) of section 24-710 has been
9 earned. It shall be the duty of the Director of Administrative
10 Services to make a deduction of six percent on the monthly payroll
11 of each such future member who is a judge of the Supreme Court, a

12 judge of the Court of Appeals, a judge of the district court, a
13 judge of a separate juvenile court, a judge of the county court, a
14 clerk magistrate of the county court who was an associate county
15 judge and a member of the fund at the time of his or her
16 appointment as a clerk magistrate, or a judge of the Nebraska
17 Workers' Compensation Court showing the amount to be deducted and
18 its credit to the fund. This shall be done each month. The
19 Director of Administrative Services and the State Treasurer shall
20 credit the six percent as shown on the payroll and the amounts
21 received from the various counties to the fund and remit the same
22 to the director in charge of the judges retirement system who shall
23 keep an accurate record of the contributions of each judge.

24 (3) A Nebraska Retirement Fund for Judges fee of ~~one~~
25 ~~dollar~~ four dollars shall be taxed as costs in each civil cause of
26 action, criminal cause of action, traffic misdemeanor or
27 infraction, and city or village ordinance violation filed in the
1 district courts and the county courts. In county courts a sum
2 shall be charged which is equal to ten percent of each fee provided
3 by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges
4 retirement fee shall be charged for filing a report pursuant to
5 sections 33-126.02 and 33-126.06. When collected by the clerk of
6 the district or county court, such fees shall be paid to the
7 director in charge of the judges retirement system on forms
8 prescribed by the board by the clerk within ten days after the
9 close of each calendar quarter. Such director shall promptly
10 thereafter remit the same to the State Treasurer for credit to the
11 fund. No Nebraska Retirement Fund for Judges fee which is
12 uncollectible for any reason shall be waived by a county judge as
13 provided in section 29-2709.

14 (4) All expenditures from the fund shall be authorized by
15 voucher in the manner prescribed in section 24-713. The fund shall
16 be used for the payment of all annuities and other benefits and for
17 the expenses of administration.

18 (5) The fund shall consist of the total fund as of
19 December 25, 1969, the contributions of members as provided in this
20 section, all supplementary court fees as provided in subsection (3)
21 of this section, and any required contributions of the state.

22 (6) Not later than January 1 of each year, the State
23 Treasurer shall transfer to the fund the amount certified by the
24 board as being necessary to pay the cost of any benefits accrued
25 during the fiscal year ending the previous June 30 in excess of
26 member contributions for that fiscal year and court fees as
27 provided in subsection (3) of this section, if any, for that fiscal
1 year plus any required contributions of the state as provided in
2 subsection (9) of this section.

3 (7) Benefits under the retirement system to members or to
4 their beneficiaries shall be paid from the fund.

5 (8) Any member who is making contributions to the fund on
6 December 25, 1969, may, on or before June 30, 1970, elect to become

7 a future member by delivering written notice of such election to
8 the board.

9 (9) Not later than January 1 of each year, the State
10 Treasurer shall transfer to the fund an amount, determined on the
11 basis of an actuarial valuation as of the previous June 30 and
12 certified by the board, to fully fund the unfunded accrued
13 liabilities of the retirement system as of June 30, 1988, by level
14 payments up to January 1, 2000. Such valuation shall be on the
15 basis of actuarial assumptions recommended by the actuary, approved
16 by the board, and kept on file with the board. For the fiscal year
17 beginning July 1, 2002, and each fiscal year thereafter, the
18 actuary for the board shall perform an actuarial valuation of the
19 system using the entry age actuarial cost method. Under this
20 method, the actuarially required funding rate is equal to the
21 normal cost rate, plus the contribution rate necessary to amortize
22 the unfunded actuarial accrued liability on a level payment basis.
23 The normal cost under this method shall be determined for each
24 individual member on a level percentage of salary basis. The
25 normal cost amount is then summed for all members. The initial
26 unfunded actual accrued liability as of July 1, 2002, if any, shall
27 be amortized over a twenty-five-year period. During each
1 subsequent actuarial valuation, changes in the funded actuarial
2 accrued liability due to changes in benefits, actuarial
3 assumptions, the asset valuation method, or actuarial gains or
4 losses shall be measured and amortized over a twenty-five-year
5 period beginning on the valuation date of such change. If the
6 unfunded actuarial accrued liability under the entry age actuarial
7 cost method is zero or less than zero on an actuarial valuation
8 date, then all prior unfunded actuarial accrued liabilities shall
9 be considered fully funded and the unfunded actuarial accrued
10 liability shall be reinitialized and amortized over a
11 twenty-five-year period as of the actuarial valuation date. If the
12 actuarially required contribution rate exceeds the rate of all
13 contributions required pursuant to the Judges Retirement Act, there
14 shall be a supplemental appropriation sufficient to pay for the
15 differences between the actuarially required contribution rate and
16 the rate of all contributions required pursuant to the Judges
17 Retirement Act.

18 (10) The state or county shall pick up the member
19 contributions required by this section for all compensation paid on
20 or after January 1, 1985, and the contributions so picked up shall
21 be treated as employer contributions in determining federal tax
22 treatment under the Internal Revenue Code as defined in section
23 49-801.01, except that the state or county shall continue to
24 withhold federal income taxes based upon these contributions until
25 the Internal Revenue Service or the federal courts rule that,
26 pursuant to section 414(h) of the code, these contributions shall
27 not be included as gross income of the member until such time as
1 they are distributed or made available. The state or county shall

2 pay these member contributions from the same source of funds which
3 is used in paying earnings to the member. The state or county
4 shall pick up these contributions by a compensation deduction
5 through a reduction in the compensation of the member. Member
6 contributions picked up shall be treated for all purposes of the
7 Judges Retirement Act in the same manner and to the extent as
8 member contributions made prior to the date picked up.
9 Sec. 2. Original section 24-703, Revised Statutes
10 Supplement, 2002, is repealed.
11 Sec. 3. Since an emergency exists, this act takes effect
12 when passed and approved according to law."

SPEAKER BROMM PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 142. Introduced by Jones, 43.

WHEREAS, the Sandhills are the only vegetative sand dunes in the western hemisphere and cover over 19,000 square miles of Nebraska; and

WHEREAS, it is important to acknowledge the people of the Sandhills and their heritage because of the manner in which they have adapted to and persevered over what was once thought of as the Great American Desert; and

WHEREAS, the Sandhills area contains many naturally unique plant and animal communities and is much the same as it was when cattle were first introduced to the region; and

WHEREAS, the communities in the Sandhills can boast of a strong work ethic, a dedication to the land, and an open-hearted hospitality to travelers.

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

1. That the week of July 1 to July 7, 2003, be declared Sandhills Recognition Week.

Laid over.

LEGISLATIVE RESOLUTION 143. Introduced by Hudkins, 21; McDonald, 41.

PURPOSE: The goal of this interim study is to examine ways to ensure that candidates for the office of county sheriff are qualified to assume office immediately upon election.

Under current law, an individual elected county sheriff in this state is granted an eight-month grace period after taking office in which to obtain the requisite certification by the Nebraska Law Enforcement Training Center. Concerns have been raised that allowing uncertified candidates to begin exercising their official law enforcement duties is detrimental to the

best interests of the communities which they have been elected to serve. Apprehension exists that an uncertified sheriff may lack the knowledge and skills needed to carry out effectively the duties of his or her office. Similarly, it is possible that a sheriff's failure to obtain the mandatory certification during the statutorily specified period would force the county to go to the expense of locating, hiring, and paying for a qualified replacement while continuing to honor the duly elected sheriff's contract, despite his or her incapacity to perform officially.

It is the intent of the Legislature that this interim study will produce a workable proposal for ensuring that all county sheriffs are certified by the Nebraska Law Enforcement Training Center prior to undertaking their official duties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 144. Introduced by Beutler, 28.

PURPOSE: Despite the progress made this session in the area of need-based aid to students attending postsecondary educational institutions, Nebraska still ranks quite low in the support given to needy students. Legislative Bill 777, Ninety-eighth Legislature, First Session, 2003, was introduced to present a unique approach to identify needy students earlier in their academic careers and to assure them support to attend postsecondary educational institutions. An interim study should be conducted to examine the feasibility of enacting such a measure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 145. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine the need for mental health advance directives in Nebraska. Mental health advance directives allow the mentally ill to determine treatment options, including preventative care, while they are competent to do so, before they experience a crisis. This

study would review any existing Nebraska law that relates to this issue and laws that exist in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 146. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to review current state law regarding the length of the statute of limitations for sexual offenses against children. The study would examine what the current civil and criminal statutes of limitations are for each type of sexual offense against children and how they compare to other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 147. Introduced by Thompson, 14.

PURPOSE: This study will examine the structure and mission of the Mexican-American Commission and the Commission on Indian Affairs and any unmet needs of minority and immigrant populations in need of similar advocacy assistance. The study shall include, but not be limited to, the following areas:

(1) The efficiency of the commission organizational form;

(2) The scope and responsibilities of the current entities as they relate to populations served;

(3) The need to serve other minority and ethnic groups in Nebraska with similar desires for advocacy services;

(4) Other nongovernmental sources of funding for advocacy for current commissions and other minority, immigrant, and ethnic groups; and

(5) Any other topics deemed necessary to effectively carry out this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 148. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to review the application of subdivision (4) of section 43-250. Under this section, when a juvenile is taken into temporary custody by law enforcement pursuant to subdivision (3) of section 43-248, which covers a juvenile who is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the juvenile's protection, law enforcement may place the juvenile with the Department of Health and Human Services for temporary placement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 149. Introduced by Preister, 5; McDonald, 41.

PURPOSE: The purpose of the study is to review and analyze the effects of the state general permit rules recently adopted by the Department of Environmental Quality for open-area livestock yards and of the proposed federal Environmental Protection Agency general permit rules for all confined area feedlot areas. The review shall include, but need not be limited to:

(1) A determination of what, if any, statutory changes are required due to the adoption of the state general permit rules and of the proposed federal general permit rules;

(2) An examination and review of the impact of the general permit rules on zoning commissions, county boards, and the public to access necessary information to make informed decisions for special conditions or requirements on zoning applications for confined animal feeding operations;

(3) An examination of increased liability for potential clean-up costs for the state and political subdivisions because of lack of disclosure requirements for the applicant; and

(4) An analysis of the costs to the department to review livestock waste control facility permit applications and the application fees, compared to other programs' costs and application fees, whether administered by the department or by another agency.

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

1. That the Natural Resources, Agriculture, and Government, Military and Veterans Affairs 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 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 150. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to examine issues related to the high volume of liquor sales from Whiteclay, Nebraska, to the Oglala Sioux Tribe on the dry Pine Ridge Reservation. The study will:

(1) Examine possible funding mechanisms to provide full-time law enforcement in Whiteclay;

(2) Examine possible funding mechanisms to provide alcohol-abuse treatment for Oglala Sioux Tribal members in the region around Whiteclay;

(3) Examine possible legislation, or other solutions to address inadequate law enforcement in Whiteclay;

(4) Examine the continuing occurrence of unsolved deaths in the community of Whiteclay; and

(5) Other issues related to addressing resolution to these problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 151. 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 152. 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 153. Introduced by Mines, 18.

PURPOSE: To determine if there are cost savings and service efficiencies by outsourcing the purchase and maintenance of state-owned computers, network equipment, and computer peripherals. The issues to be examined include:

(1) A study to identify Nebraska's current inventory of computers, network equipment, and peripherals;

(2) To examine the effect of outsourcing computer and computer networking purchasing and maintenance; and

(3) To examine the effect of outsourcing peripheral purchasing and maintenance.

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

LEGISLATIVE RESOLUTION 154. Introduced by Baker, 44.

PURPOSE: The purpose of this resolution is to identify legal barriers to permanency for children in foster care and recommend legislative changes that could help to remove such barriers. Specifically, the study will include issues regarding court practice and protocols, county attorney practices and protocols, statutory requirements of parents, and Department of Health and Human Services procedures, protocols, and staffing.

Information from the federal Child and Family Services Review conducted in 2002 and the resulting Department of Health and Human Services Program Improvement Plan will be utilized in this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 155. Introduced by Aguilar, 35.

PURPOSE: To study how child abuse and neglect and child sexual abuse reports are being responded to by child protective services at the Department of Health and Human Services and law enforcement. This study may include, but shall not be limited to:

(1) Whether the child abuse and neglect investigation teams and child abuse and neglect treatment teams, authorized under section 28-728, are functioning according to legislative intent;

(2) Whether reports of abuse and neglect are appropriately screened and investigated;

(3) Whether the response to reports of child abuse and neglect is consistent throughout the state and whether the child protective services should have a statewide priority system for intakes;

(4) What effect a centralized intake system might have on response to calls reporting child abuse and neglect;

(5) Whether there are adequately defined roles for child protective services and law enforcement and whether there are adequate and proper investigations and timely risk and safety assessments;

(6) Whether there is an adequate exchange of information between child protective services and law enforcement on past removals, past abuse allegations, other investigations, and pertinent history related to alleged

perpetrators;

(7) Whether all calls or reports coming into law enforcement or child protective services are promptly cross-reported to other agencies;

(8) Whether there are adequate resources for front-line law enforcement to respond to the volume of reports received;

(9) Whether more education is needed by law enforcement and initial assessment workers on techniques for investigation, how to weigh risk, and how to conduct removals and placements;

(10) Whether the Nebraska Law Enforcement Training Center should provide local law enforcement officers with more education on child abuse and neglect investigations and interviewing techniques that are age-appropriate and developmentally appropriate; and

(11) How investigations affect prosecution of child abuse, child neglect, and child sexual abuse cases.

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

1. That the Health and Human Services and Judiciary 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 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 156. Introduced by Connealy, 16.

PURPOSE: To study options for creating a small business tax credit system. Issues to be studied shall include, but need not be limited to, feasibility of such a program in Nebraska, costs associated with such a program, and similar programs in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 157. Introduced by Connealy, 16.

PURPOSE: To study options for expanding state-income-tax-based incentives for charitable giving in Nebraska, including tax credits or deductions for taxpayers who do not itemize deductions on their federal returns, credits or deductions for contributions to charitable organizations or their endowments, and voluntary contributions of anticipated tax refunds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 158. Introduced by Connealy, 16.

PURPOSE: To study the Nebraska Workers' Compensation Act. The study shall examine the possibility of creating a workers' compensation uninsured employer fund to benefit workers who would be entitled to workers' compensation benefits if injured at work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 159. Introduced by Jensen, 20.

PURPOSE: To review the policies and procedures necessary in establishing a comprehensive organ donor registry for the State of Nebraska. This study should include all relevant groups, organizations, and companies that share a desire to establish a donor registry, as well as a study of the possible procedures, funding mechanisms, privacy issues, and all other relevant issues to establishing an organ donor registry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 160. Introduced by Erdman, 47.

PURPOSE: To study the overall structure of the medicaid program in order for the state to financially afford the services necessary.

Input shall be solicited from the health and human services system, various private and nonprofit organizations, and insurance providers to examine ways to make the program a portable tool for recipients to transition to self-sufficiency.

The study shall include examining ways to empower individuals to be responsible clients of medicaid, a means to reward responsible decisions made by clients, and exploring partnerships between the state, nonprofit organizations, and insurance providers that will balance the interests of the individual clients with those of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 161. Introduced by Erdman, 47.

PURPOSE: The Legislature recognizes the importance of and economic impact that Interstate 80 has on the State of Nebraska, both to bring goods to the citizens of Nebraska and by providing goods and services to travelers from other states along the interstate. The Legislature further recognizes that the vehicle towing and salvage industry plays an important role in providing services to travelers and providing for the safe operation of vehicles on the interstate.

The purpose of this study is to consider the steps that can be taken to support and develop the vehicle service and towing industry in Nebraska. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states relating to abandoned vehicles and salvage of vehicles and gathering information on the number of and procedures for clearing of damaged and abandoned vehicles. Input shall be solicited from the Nebraska State Patrol, academic professionals, the towing industry, the trucking industry, automobile associations, and any other government agencies, groups, or individuals with relevant information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 162. Introduced by Erdman, 47.

PURPOSE: To examine the effectiveness of the Tax Equalization and Review Commission.

The study shall include, but need not be limited to, the commission's caseload, the number of cases that are appealed and overturned, and the costs and benefits of the commission versus previous property tax appeal methods.

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

SELECT FILE

LEGISLATIVE BILL 320. Senator Beutler withdrew his pending amendment, AM1780, found in this day's Journal.

Senators Beutler, Brashear, Chambers, and Stuhr offered the following amendment:

AM1943

(Amendments to AM1720)

- 1 1. Strike sections 1, 2, 4, and 5.
- 2 2. Renumber the remaining sections and amend the
- 3 repealer accordingly.

The Beutler et al. amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 320A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 806. E & R amendment, AM7123, printed separately and referred to on page 1655, was adopted.

Senator Vrtiska renewed his pending amendment, AM1869, found on page 1765.

The Vrtiska amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 574. E & R amendment, AM7131, printed separately and referred to on page 1667, was adopted.

Senator Raikes withdrew his pending amendment, AM1775, found on page 1678.

Senator Raikes renewed his pending amendment, AM1816, found on page 1813.

The Raikes amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Raikes offered the following amendment:
AM1923

(Amendments to E & R amendments, AM7131)

- 1 1. On page 10, line 19, after the period insert "Such
2 rules and regulations shall be developed in cooperation with
3 representatives of eligible postsecondary educational institutions
4 and shall be designed, to the extent consistent with requirements
5 of the act, to minimize the administrative burden on the eligible
6 postsecondary educational institutions and the commission."; in
7 lines 21 and 22 strike "in" through "commission"; in line 24 strike
8 "basic criteria" and insert "eligibility standards and
9 requirements"; and in line 26 strike "institutionally" and insert
10 "state-funded or federally".
- 11 2. On page 11, lines 1 and 2, strike "as required by the
12 commission".

The Raikes amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 574A. Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 163. Introduced by Erdman, 47.

PURPOSE: The Legislature recognizes the importance of accessible air service and airport facilities for general aviation to the economic development throughout the State of Nebraska. The purpose of this study is to consider the steps that can be taken to support and develop general aviation and airport facilities in Nebraska. This study shall include, but not be limited to, gathering information on the level and type of use, governance, financing, and promotion of airport facilities. Input shall be

solicited from the Nebraska Aeronautics Commission, the Department of Aeronautics, academic professionals familiar with aviation and economic development, supporting industry, airport users, and others with information about general aviation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 164. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to examine alternative funding mechanisms for the superfund site in Omaha, including, but not limited to, assessing a fee on the retail sale of paint. Uses of revenue from the fee could include, but not be limited to: State regulatory programs and oversight, state superfund programs, and testing, treatment, and case management of children with elevated levels of lead in their blood.

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

1. That the Natural Resources and Health and Human Services 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 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 165. Introduced by Preister, 5.

PURPOSE: To assure fiscal responsibility, oversight, and public accountability by monitoring and reviewing the implementation of Legislative Bill 626 (2003), regarding services contracts by agencies and the Department of Administrative Services. The review shall include, but need not be limited to:

- (1) Pre-process;
- (2) Competitive bidding;
- (3) Contract review;
- (4) Exemptions;
- (5) Sole source;
- (6) Emergencies;
- (7) Entry of contract data into the Nebraska Information System; and
- (8) Accessing contractor's records to determine execution and

performance of contract.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study, and shall work with the Program Evaluation Committee on a time available basis, 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 166. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the concept of taxing all media advertising in the state and the concept of taxing advertising products or services that are illegal in Nebraska. The study shall include, but not be limited to, examining methods of taxing different forms of media advertising including television, radio, newspapers, billboards, store signs, window displays, and any other media time. The study shall include estimating revenues generated by these forms of advertising, the legality of taxing advertising of products or services that are illegal in Nebraska, and any other matters determined to be necessary by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 20 fifth- and sixth-grade students from Everett Elementary School, Lincoln; 23 fourth-grade students and teachers from Newell Elementary School, Grand Island; 23 fourth-grade students, teacher, and sponsors from Raymond Central School, Ceresco; 55 fourth-grade students and teacher from Parkview Heights School, La Vista; and 44 eighth-grade students and teachers from Our Lady of Lourdes School, Omaha.

RECESS

At 11:42 a.m., on a motion by Senator Brashear, 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 Redfield and Schimek who were excused; and Senators Cunningham and Landis who were excused until they arrive.

MOTION - Return LB 540 to Select File

Senator Raikes moved to return LB 540 to Select File for his specific pending amendment, AM1926, found on page 1821.

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

SPEAKER BROMM PRESIDING

The Raikes motion to return prevailed with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 540. The Raikes specific pending amendment, AM1926, found on page 1821, was adopted with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

NOTICE OF COMMITTEE HEARING**Natural Resources**

Room 1525

Thursday, May 22, 2003
Mark Hunzeker - Power Review Board

1:00 p.m.

(Signed) Ed Schrock, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 167. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Bourne, 8; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25.

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 updating and maintaining the "Taxes and Spending in Nebraska" website developed last year or in one or more reports to the Legislature detailing Nebraska's tax structure. Examples of information compiled 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 update and maintain the "Taxes and Spending in Nebraska" website developed last year or 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 168. Introduced by Brashear, 4; Aguilar, 35.

PURPOSE: To conduct a comprehensive study and review of statutorily authorizing drug court program structures in Nebraska. Such a review shall identify specific issues to consider in applying one statewide statutory structure for the various drug court programs and propose appropriate statutory language regarding such programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 169. Introduced by Brashear, 4; Johnson, 37.

PURPOSE: To review topics relating to the State DNA Data Base. Specifically, issues shall be addressed pertaining to the DNA Detection of Sexual and Violent Offenders Act; the maintenance of records related to forensic casework, convicted offenders required to provide DNA samples, samples relating to missing persons, relatives of missing persons, and unidentified human remains; storage of samples used for quality assurance, training, and research relating to DNA identification; utilization of federal funding for the testing of DNA samples; and the development of processes and procedures for the possible testing of DNA samples by private request made to the Nebraska State Patrol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 170. Introduced by Brashear, 4; Erdman, 47.

PURPOSE: In recent legislative sessions, numerous bills have been introduced relating to the age of majority in Nebraska. Among the bills relating to this topic, the Legislature has considered legislation which would lower the age of majority from age nineteen to eighteen; lower the age of majority for purposes of contractual capacity of minors; and establish a statutory process by which a minor could petition a court for emancipation.

The purpose of this resolution is to study and determine the appropriate legislative means that should be employed to lower the age of majority in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 171. Introduced by Brashear, 4.

PURPOSE: To determine whether the changes expected to occur with the anticipated passage and implementation of Legislative Bill 46, Ninety-eighth Legislature, First Session, 2003, warrant further legislative response, specifically regarding appropriate revisions to the statutes that address

probation programming fees, parole programming fees, administrative probation sanctions, sentencing guidelines, the Office of Probation Administration, the Office of Parole Administration, the Community Corrections Council, and community corrections in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 172. Introduced by Brashear, 4.

PURPOSE: To examine the issue of controlled substances, specifically relating to the use, distribution, and manufacturing of methamphetamine, as well as other problems associated with such criminal activities and to propose policies that further curb drug-related crime and, in particular, methamphetamine-related crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 173. Introduced by Erdman, 47; Preister, 5; Friend, 10.

PURPOSE: The Legislature recognizes the value and economic impact of the recreational use of Nebraska's lakes and rivers. The Legislature further recognizes the importance of providing a safe environment for Nebraska citizens and visitors to the state to enjoy Nebraska's waters.

The purpose of this study is to consider the steps that can be taken to enhance, support, and develop the recreational value of Nebraska's lakes and rivers. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states related to boating safety and gathering information on use of Nebraska's waters and the effect of boat safety training. Input shall be solicited from the Nebraska Game and Parks Commission, other federal and state agencies with information related to boating, academic professionals knowledgeable of the issues related to boating, boating and sports associations, the boat and personal watercraft manufacturing and sales industry, and any other government agencies,

groups, or individuals with relevant information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 174. Introduced by Johnson, 37; Thompson, 14; Bromm, 23; Synowiecki, 7; D. Pederson, 42; Engel, 17; Schrock, 38; McDonald, 41; Cudaback, 36; Beutler, 28; Jensen, 20; Raikes, 25; Erdman, 47; Bourne, 8; Smith, 48; Stuhr, 24; Byars, 30; Kruse, 13; Price, 26; Maxwell, 9; Hartnett, 45; Brashear, 4; Wehrbein, 2.

PURPOSE: To review public higher education financing in Nebraska by examining the following questions:

(1) What is the long-term sustainability of our current public higher education system in Nebraska?

(2) How do the missions of our community colleges, state colleges, and university system link and what can be done to improve efficiencies within the Nebraska public higher education system?

(3) How many colleges and university campuses should the state support based on present and future demographics of the state?

(4) How should state public higher education institutions be coordinated and governed?

(5) What proportion of tuition, private support, and tax dollars should be used to finance public higher education in Nebraska?

(6) What should be the focus of legislation in the next decade regarding public higher education?

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

1. That a task force of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The task force shall consist of: (a) Three members of the Education Committee, appointed by the chairperson of the Education Committee; (b) three members of the Appropriations Committee, appointed by the chairperson of the Appropriations Committee; and (c) three members of the Legislature, appointed by the Executive Board of the Legislative Council. The chairperson of the task force shall be selected by the executive board from among the membership of the task force. The task force shall be staffed by the Education Committee of the Legislature and the office of the Legislative Fiscal Analyst.

2. That the task force shall upon the conclusion of its study make a report of its findings, together with its recommendations, not later than December 15, 2003, to the Legislative Council or Legislature.

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

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 760. Title read. Considered.

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

The Standing Committee amendment, AM1586, printed separately and referred to on page 1485, was considered.

Senator Brashear offered the following amendment to the Standing Committee amendment:
(Amendment, AM1946, is on file and available in the Clerk's Office, Room 2014.)

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

The Brashear amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment to the Standing Committee amendment:
AM1953

(Amendments to AM1946)

- 1 1. On page 1, line 3, strike "Operations and".
- 2 2. On page 2, line 17, strike "an operational and" and
- 3 insert "a"; and in line 24 strike "Operations and".

The Beutler amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, 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 31 ayes, 0 nays, 14 present and not

voting, and 4 excused and not voting.

LEGISLATIVE BILL 760A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 759. The Preister pending amendment, AM1831, found on page 1732, was renewed.

Senator Brashear renewed his pending amendment, AM1875, found on page 1811, to the Preister pending amendment.

Senator Brashear withdrew his amendment.

The Preister amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Bromm renewed his pending amendment, AM1783, found on page 1679.

SENATOR ENGEL PRESIDING

Senators Cudaback and McDonald 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, 1 nay, and 22 not voting.

Senator Bromm 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 the Bromm amendment.

Voting in the affirmative, 23:

Beutler	Chambers	Johnson	Mossey	Thompson
Bromm	Connealy	Jones	Pedersen, Dw.	Vrtiska
Brown	Foley	Kremer	Preister	Wehrbein
Burling	Hudkins	Kruse	Price	
Byars	Jensen	Louden	Synowiecki	

Voting in the negative, 8:

Baker	Cunningham	Janssen	Schrock
Bourne	Hartnett	Mines	Smith

Present and not voting, 12:

Brashear	Erdman	Pederson, D.	Stuhr
Combs	Friend	Quandahl	Stuthman
Engel	Maxwell	Raikes	Tyson

Excused and not voting, 6:

Aguilar	Landis	Redfield
Cudaback	McDonald	Schimek

The Bromm amendment lost with 23 ayes, 8 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Hartnett asked unanimous consent to withdraw his pending amendment, AM1624, found on page 1535, and replace it with the Hartnett-Janssen substitute pending amendment, AM1836, found on page 1736. No objections. So ordered.

The Hartnett-Janssen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Smith renewed his pending amendment, AM1770, found on page 1712.

SENATOR CUDABACK PRESIDING

Senator Smith withdrew his amendment.

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA1356, found on page 1715, and replace it with his substitute pending amendment, AM1892, found on page 1818. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to withdraw his pending amendment, AM1819, found on page 1729, and replace it with the Brashear-Landis substitute amendment, AM1939. No objections. So ordered.

AM1939

- 1 1. In AM7114, strike section 15 and all amendments
2 thereto and insert the following new section:
3 "Sec. 19. (1) Sales and use taxes shall not be imposed
4 on the labor of a contractor purchased in connection with:
5 (a) The first or original construction of a structure;
6 (b) The addition of an entire room or floor to any
7 existing building;
8 (c) The completion of an unfinished portion of an
9 existing structure;
10 (d) The restoration, reconstruction, or replacement of a
11 structure damaged or destroyed by fire, flood, tornado, lightning,
12 explosion, ice storm, or other natural disaster;
13 (e) The construction, repair, or annexation of any
14 structure used for the generation, transmission, or distribution of
15 electricity; or
16 (f) The major renovation of an existing building or a
17 unit of an existing building described in subdivision (2)(e)(ii) of
18 this section. The exemption granted in this subdivision shall be
19 conditioned upon notice from the contractor to the Department of
20 Revenue of the nature of the project and an explanation of why the
21 renovation will qualify for the exemption.
22 (2) For purposes of this section:
23 (a) Building means any freestanding structure annexed to
24 land, enclosed within a roof and exterior walls, regardless of
1 whether enclosed on all sides;
2 (b) Building materials means items that will be annexed
3 to land or an improvement on land. Building materials do not
4 include tools, supplies, or items that will not be annexed;
5 (c) Contractor means any person who repairs property
6 annexed to or who annexes property to real estate, including leased
7 property, by attaching such person's own building materials to the
8 improvement or annexed property being built or repaired. This
9 includes the installation of fixtures and the repair of a building,
10 structure, or fixture;
11 (d) Fixture means a piece of equipment that must be
12 annexed to the building or structure in order to properly function,
13 yet remains identifiable as a separate item;
14 (e) Major renovation of an existing building or a unit of
15 an existing building means a single renovation project that:
16 (i) Increases the market value of the building or unit by
17 at least one hundred percent; or
18 (ii) Entails the renovation of no less than seventy-five
19 percent of the square feet of the building or unit;
20 (f) Renovation means the rehabilitation, replacement, or
21 reconfiguration of walls or fixtures. Mere replacement of floor
22 coverings does not constitute renovation for purposes of
23 subdivision (1)(f) of this section;
24 (g) Structure means any construction composed of parts

- 25 arranged and fitted together in some way. Structure includes, but
26 is not limited to, streets and roadways, street lighting, and
27 sewers and waterlines; and
1 (h) Unit means a physical portion of a building
2 designated for separate ownership, rental, or occupancy.
3 (3) A taxpayer shall be entitled to a refund of any sales
4 tax paid on construction, annexation, or repair labor for any major
5 renovation described in subdivision (2)(e)(i) of this section. The
6 refund granted in this section shall be conditioned upon filing a
7 claim for the refund on a form developed by the Tax Commissioner.
8 The requirements imposed by the Tax Commissioner shall be related
9 to ensuring that the labor purchased qualifies for the refund. Any
10 information received pursuant to the requirements of this
11 subsection may be disclosed to any tax official in this state. Any
12 taxpayer who provides false information on the forms required by
13 the Tax Commissioner for purposes of this subsection shall be
14 subject to the penalties provided in subsection (8) of section
15 77-2705."
16 2. In AM1745, on page 11, after line 11 insert the
17 following new subsection:
18 "(17) The Tax Commissioner shall hold a hearing on rules
19 and regulations to carry out the changes made to this section by
20 this legislative bill. It is the intent of the Legislature that
21 the Tax Commissioner adopt and promulgate rules and regulations to
22 carry out such changes."
23 3. In AM1785:
24 a. On page 5, lines 12 and 21, before "as" insert
25 "except"; strike beginning with the semicolon in line 15 through
26 the quotation marks in line 20; and strike beginning with the
27 semicolon in line 23 through line 27 and insert a period; and
1 b. On page 6, strike line 1.

Senator Cunningham 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 Brashear moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Brashear requested a roll call vote on the Brashear-Landis amendment.

Voting in the affirmative, 30:

Baker	Byars	Hartnett	Kruse	Raikes
Beutler	Combs	Hudkins	Landis	Schrock
Bourne	Conneally	Janssen	Louden	Stuhr
Brashear	Engel	Johnson	Mines	Thompson
Bromm	Foley	Jones	Pederson, D.	Vrtiska
Brown	Friend	Kremer	Price	Wehrbein

Voting in the negative, 9:

Burling	Jensen	Preister	Stuthman	Tyson
Erdman	Mossey	Smith	Synowiecki	

Present and not voting, 6:

Chambers	Maxwell	Pedersen, Dw.
Cudaback	McDonald	Quandahl

Excused and not voting, 4:

Aguilar	Cunningham	Redfield	Schimek

The Brashear-Landis amendment was adopted with 30 ayes, 9 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 175. Introduced by Landis, 46.

PURPOSE: To determine the extent to which discrimination, based on sexual orientation, exists in employment in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 176. Introduced by Landis, 46.

PURPOSE: To determine the extent to which discrimination, based on sexual orientation, exists in the rental of an apartment or the sale of a house in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 177. Introduced by Vrtiska, 1.

PURPOSE: To study the role of the vocational rehabilitation specialists of the Nebraska Workers' Compensation Court in overseeing private vocational rehabilitation counselors providing services under the Nebraska Workers' Compensation Act, and in particular the role of such specialists in evaluating and approving vocational rehabilitation plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 178. Introduced by Connealy, 16; Synowiecki, 7; Combs, 32.

PURPOSE: To study the state's laws regarding immigration and employment of noncitizens. The study shall include the practice of Nebraska employers using Form 1099 contract labor and how it effects state revenues, worker safety, and workers' rights. In particular, the study will focus on how workers act as contractors while performing all external elements of being employees. The effects of such employment on the state's workers' compensation, unemployment insurance, and tax systems shall be included, as well as whether this process allows loopholes in the law to be used to escape tax, workers' compensation, and unemployment payments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 179. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to convene a task force, representative of the parties at interest, to examine the proper role and mission of licensed assisted-living facilities in serving Nebraska's elderly.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 convene and chair a task force made up of provider and consumer organizations, as well as other affected parties, which will meet to consider the proper role of licensed assisted-living facilities in the milieu of services and facilities intended to serve older Nebraskans.

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 180. Introduced by Raikes, 25; Wehrbein, 2; Byars, 30; Bromm, 23; Bourne, 8; Dw. Pedersen, 39; Stuhr, 24; Schrock, 38; Maxwell, 9; Jensen, 20; Janssen, 15; Kremer, 34; Hartnett, 45; Jones, 43; Brashear, 4; Baker, 44; Connealy, 16; Beutler, 28; Loudon, 49; McDonald, 41; Synowiecki, 7.

PURPOSE: The purpose of this study is to review the organizational structure of elementary and secondary education in Nebraska and to develop a proposal to refine the structure to support an effective and efficient delivery of education to the students of Nebraska now and into the future. The study shall include, but need not be limited to, the following:

(1) Collection of data regarding the current structure;

(2) Collection of data regarding demographic trends in Nebraska, including predicted changes in the concentration of students in various geographic areas;

(3) Analysis of regional and national information regarding organizational structures of elementary and secondary education;

(4) Analysis of how work by the State Board of Education on potential changes to the accreditation rules should affect organizational structures; and

(5) Development of a process to move Nebraska elementary and secondary education toward a structure that will effectively and efficiently support education with the available funds, taking into account predicted demographics and potential accreditation rules.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 181. Introduced by Baker, 44.

PURPOSE: Currently, the Health and Human Services system, in providing passenger transportation services, must contract with motor carriers that have a certificate as a common carrier or a permit as a contract carrier issued by the Public Service Commission pursuant to section 75-311. These motor carriers have varying rates published with and set by the Public Service Commission pursuant to Chapter 75, articles 1 and 3.

This study shall examine the application of motor carriers' rates to transportation services purchased by the Health and Human Services system, including recent rate increases; include an examination of the rate-setting process, the different rates of each carrier, and any additional charges; identify and explore cost containment measures; and examine the possibility of developing a standardized rate structure for certified carriers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 182. Introduced by Erdman, 47; Friend, 10; Quandahl, 31; Cunningham, 40.

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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 183. Introduced by Erdman, 47; Foley, 29; Quandahl, 31.

PURPOSE: The purpose of this study is to provide information on patterns of spending by government agencies and to determine if government agencies adjust spending and make purchases to assure that budget authority is completely used up at the end of the fiscal year to avoid the risk of reduction of future appropriations. This study shall include, but not be limited to, gathering information on historical spending patterns of Nebraska government agencies and spending control measures implemented in Nebraska and other states. Input shall be solicited from the Governor, the State Budget Office, the State Auditor, the Legislative Fiscal Analyst's Office, state government agencies, academic professionals knowledgeable of the issue, and any other agencies, groups, or individuals with relevant information.

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

LEGISLATIVE RESOLUTION 184. Introduced by Erdman, 47; Synowiecki, 7.

PURPOSE: The Nebraska constitution provides that the Legislature shall provide for free instruction for all persons between the ages of five and twenty-one years and the Nebraska Supreme Court has ruled that statutes related to education should be liberally and broadly construed to provide for free instruction. The Legislature recognizes this obligation and further recognizes that cocurricular and extracurricular activities play an important role in the education of our youth.

The purpose of this study is to consider the steps that can be taken to meet the state's obligation, especially with respect to cocurricular and

extracurricular activities, to the five thousand exempt students in Nebraska through the public school system. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states related to cocurricular and extracurricular opportunities of exempt students, as well as the rules of school organizations applicable to student participation in cocurricular and extracurricular activities. In addition, information shall be gathered on the number of students and types of programs that could be made available to exempt students if LB 534 (2003) is adopted. Input shall be solicited from the State Department of Education, the Nebraska School Activities Association, education professionals, parents of and groups representing parents of exempt students, and any other government agencies, groups, or individuals with relevant information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 185. Introduced by Bourne, 8.

PURPOSE: The purpose of this study is to determine the extent of the problem of domestic violence in the State of Nebraska and the potential need to adopt a set of statutes specifically drafted to address this issue. Additionally, the study will examine the statutes of other states having laws that define crimes of domestic violence and prescribe enhanced penalties and procedural requirements for such cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 186. Introduced by Beutler, 28.

PURPOSE: Nationwide, obesity among young people has more than doubled in the last thirty years. The purpose of this study is to examine the causes and effects of obesity on young people in Nebraska and to recommend policy options the State of Nebraska could employ to combat this disturbing trend.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 402, 404, 405, and 406.

(Signed) Ray Mossey, Chairperson

SELECT FILE

LEGISLATIVE BILL 759. Senator Hartnett withdrew the Hartnett-Chambers pending amendment, AM1625, found on page 1535.

Senator Stuhr renewed her pending amendment, AM1832, found on page 1736.

Senator Stuhr withdrew her amendment.

Senator Beutler withdrew his pending amendment, AM1762, found on page 1738.

Senator Kruse offered the following amendment:
AM1945

(Amendments to E & R amendments, AM7114)

- 1 1. On page 1, line 7, strike "twenty-nine" and insert
- 2 "thirty-five"; in line 8 strike "ninety-five" and insert "one
- 3 dollar and fifteen"; and in line 15 strike "three dollars and
- 4 seventy-five" and insert "four dollars and sixty-two".

Senator Kruse withdrew his amendment.

Senator Beutler withdrew his pending amendment, AM1598, found on page 1506.

Senator Brashear moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

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

Voting in the affirmative, 30:

Baker	Byars	Hartnett	Landis	Raikes
Beutler	Chambers	Hudkins	McDonald	Schrock
Bourne	Combs	Janssen	Mines	Stuhr
Brashear	Connealy	Johnson	Pedersen, Dw.	Thompson
Bromm	Cudaback	Kremer	Pederson, D.	Vrtiska
Brown	Engel	Kruse	Price	Wehrbein

Voting in the negative, 15:

Burling	Friend	Louden	Preister	Stuthman
Erdman	Jensen	Maxwell	Quandahl	Synowiecki
Foley	Jones	Mossey	Smith	Tyson

Excused and not voting, 4:

Aguilar	Cunningham	Redfield	Schimek

Advanced to E & R for engrossment with 30 ayes, 15 nays, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 759A. Advanced to E & R for engrossment.

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

GENERAL FILE

LEGISLATIVE BILL 283. Senator Chambers withdrew his pending amendments, FA1352 and FA1353, found on page 1644.

Senator Landis reoffered his amendment, AM1713, found on page 1611 and considered on page 1632.

Senator Beutler offered the following motion:
Bracket to January 1, 2004.

The Beutler motion to bracket failed with 4 ayes, 17 nays, 23 present and not voting, and 5 excused and not voting.

Senator Wehrbein asked unanimous consent to be excused. No objections. So ordered.

The Landis pending amendment, AM1713, was renewed.

The Landis amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, AM1891, found on page 1818.

The Chambers amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 320, 320A, 403, 403A, 407, 408, 410, 411, 412, 414, 415, 424, 440, 622, 685, 796, 798, 799, 804, and 806.

ER9068

Enrollment and Review Change to LB 320

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7135, amendment 2 has been struck.

ER9061

Enrollment and Review Change to LB 403

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7124, on page 1, line 13, "the" has been inserted after "for".
2. In the Standing Committee amendments, AM1307:
 - a. On page 4, line 24, "fund" has been struck and "Joint Operations Center Capital Construction Fund" inserted; and
 - b. On page 7, lines 19 and 20, "deposited with" has been struck, shown as stricken, and "remitted to" inserted; and in line 20 "and credited" has been struck, shown as stricken, and "for credit" inserted.

ER9060

Enrollment and Review Change to LB 407

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1111:

a. On page 17, lines 18 through 22 and all amendments thereto have been struck and the following lines inserted:

"GENERAL FUND	804,589,943	794,260,556
CASH FUND	1,809,917	1,049,164
FEDERAL FUND est.	206,194,723	207,366,590
REVOLVING FUND	542,878	553,527
PROGRAM TOTAL	1,013,137,461	1,003,229,837"

b. On page 17, line 25, "\$804,280,716" and all amendments thereto have been struck and "\$795,727,954" inserted;

c. On page 18, line 1, "\$793,749,767" and all amendments thereto have been struck and "\$785,183,185" inserted; in line 5 "\$634,468,344" and all amendments thereto have been struck and "\$625,915,582" inserted; and in line 10 "\$616,263,742" and all amendments thereto have been struck and "\$607,697,160" inserted;

d. On page 54, line 12 and all amendments thereto have been struck and "PROGRAM TOTAL 1,174,600,930 1,302,341,897" inserted; and

e. Sections 8, 9, 10, 11, 12, 13, 14, and 15 have been renumbered as sections 9, 10, 11, 12, 13, 14, 15, and 8, respectively.

2. On page 1, line 4, "to provide for a task force;" has been inserted after the last semicolon.

ER9062

Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7125, on page 17, line 19, "39-2215," has been struck.

ER9063

Enrollment and Review Change to LB 410

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "the Deferred Building Renewal Act" has been struck and "state buildings" inserted and "section 81-1114, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend"; and in line 4 "under the Deferred Building Renewal Act; to change duties of the building division" has been inserted after "provisions".

ER9065

Enrollment and Review Change to LB 412

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Jensen-Byars amendment, AM1890, on page 12, line 1, "71-7611," has been inserted before "and".

2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "public health and welfare; to amend sections 71-1628.07,

71-1628.08, 71-5714, 71-7606, 71-7607, 71-7608, 71-7609, 71-7611, and 71-7614, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to local public health departments and health care funding; to change and eliminate powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-1628.02, 71-1628.03, and 71-7611.01 to 71-7611.08, Revised Statutes Supplement, 2002; and to declare an emergency." inserted.

ER9066

Enrollment and Review Change to LB 440

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7132, on page 1, line 2, "section 77-27,137.01, Reissue Revised Statutes of Nebraska, and" has been inserted before "sections"; in line 5 "and" has been struck and "to change state aid provisions for municipalities; to harmonize provisions; to provide an operative date;" inserted; and in line 6 "; and to declare an emergency" has been inserted after "sections".

2. In the Thompson amendment, AM1733, on page 4, line 27; and page 5, line 7, "this subsection" has been struck, shown as stricken, and "subsection (2) of this section" inserted.

ER9067

Enrollment and Review Change to LB 685

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7133, on page 19, line 5, an underscored comma has been inserted after "superintendent".

ER9064

Enrollment and Review Change to LB 798

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7128, on page 1, line 2, "to authorize receipt of federal funds;" has been inserted after the semicolon.

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 283. Senator Beutler offered the following motion: Indefinitely postpone.

Senator Beutler withdrew his motion.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 754:
AM1964

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 81-3606, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-3606. There is hereby created the Rural Development
- 5 Cash Fund which shall be used by the Rural Development Commission
- 6 for the purposes of sections 81-3601 to 81-3605. Money credited to
- 7 the fund shall include any monetary gifts, grants, and donations,
- 8 proceeds from contracts for services, and reimbursements of
- 9 expenses and at least seventy-five percent of any grant funds
- 10 received by the state, up to three hundred thousand dollars, from
- 11 the United States Department of Agriculture. Any money in the fund
- 12 available for investment shall be invested by the state investment
- 13 officer pursuant to the Nebraska Capital Expansion Act and the
- 14 Nebraska State Funds Investment Act.
- 15 Sec. 6. Since an emergency exists, this act takes effect
- 16 when passed and approved according to law."
- 17 2. Renumber the remaining section and correct the
- 18 repealer accordingly.

Senators Bromm, Burling, Chambers, Kremer, and McDonald filed the following amendment to LB 754:
AM1969

(Amendments to AM1577)

- 1 1. On page 1, lines 3, 8, 14, 16, 21, and 23, strike
- 2 "final"; and in line 23 after the underscored period insert "For
- 3 purposes of this section, substantial change shall include any
- 4 significant alteration in the original application including a
- 5 significant change in the design or location of buildings or
- 6 facilities, in waste disposal methods or facilities, or in
- 7 capacity."

RESOLUTION

LEGISLATIVE RESOLUTION 187. Introduced by Quandahl, 31.

PURPOSE: There exist Nebraska health provider networks that are owned by certain health providers. These networks are not insurers in that they do not accept final responsibility for payment of claims. They do maintain a list of eligible providers which can be accessed by insurers and self-insurers and allow provider discounts to those responsible for payment. They are a part of the claims process and determine which providers will be eligible to provide services through the network.

The purpose of this study is to examine to what extent such networks are regulated and whether the Department of Insurance should be authorized to regulate such networks to the same extent as insurers. Specific attention should be given to the practices of such networks with respect to prompt payment of claims and determination of which providers may become eligible to provide service through the networks.

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.

VISITORS

Visitors to the Chamber were 127 fourth-grade students and teachers from Norris Elementary School, Firth; 44 students, teachers, and sponsors from Ravenna; Evgenia Nemkina and Maxin Shevelev from Russia and Oleksandr Kalugin and Ihor Ivasyuk from Ukraine; 53 third- through sixth-grade students and teachers from Adams County School, District 15; and 29 fourth-grade students and teachers from Randolph.

ADJOURNMENT

At 7:13 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Friday, May 16, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 16, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, May 16, 2003

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 Erdman, Redfield, and Schimek who were excused; and Senators Aguilar, Brashear, Brown, Cunningham, Maxwell, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority

2002 Series A, B, C, D, E and F Community Development Loan Notes
(City of Lincoln Program-2002)

Single Family Housing Revenue Bonds Series 2000 EFG and General
Obligation Bonds Series 2000 G.O.-11

Single Family Housing Revenue Bonds Series 2002 DEF

Roads, Department of

State Highway Inventory Supplemental Report for the 2002 State Highway
Needs Assessment

MOTION - Approve Appointment

Senator Smith moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment found on page 1806:

State Personnel Board
Mary C. Colacurci

Voting in the affirmative, 27:

Baker	Engel	Louden	Quandahl	Tyson
Burling	Friend	Mines	Schrock	Vrtiska
Byars	Janssen	Mossey	Smith	Wehrbein
Chambers	Jones	Pedersen, Dw.	Stuhr	
Combs	Kremer	Pederson, D.	Stuthman	
Cudaback	Kruse	Preister	Thompson	

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Conneally	Hudkins	Landis	Synowiecki
Bourne	Foley	Jensen	McDonald	
Bromm	Hartnett	Johnson	Price	

Excused and not voting, 9:

Aguilar	Brown	Erdman	Raikes	Schimek
Brashear	Cunningham	Maxwell	Redfield	

The appointment was confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 754. Senator McDonald withdrew her pending motion, found on page 1597, to recommit to committee for a public hearing.

Senator McDonald withdrew her pending amendments, AM1681, AM1794, AM1791, AM1788, AM1790, AM1793, AM1792, AM1789, AM1787, and AM1786, found on pages 1668 and 1676.

Senator Chambers renewed his pending amendment, AM1964, found on page 1873.

Senator Chambers withdrew his amendment.

Senator Bromm renewed the Bromm et al. pending amendment, AM1969, found on page 1873.

The Bromm et al. amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 208. E & R amendment, AM7094, found on page 1113, was adopted.

Senator Kruse asked unanimous consent to withdraw his pending amendment, AM1632, printed separately and referred to on page 1584, and replace it with his substitute pending amendment, AM1774, printed separately and referred to on page 1675. No objections. So ordered.

Senator Foley withdrew his pending amendments, AM1690 and AM1776, found on pages 1594 and 1677.

Senator Kruse withdrew his pending amendment, AM1692, found on page 1595.

Senator Synowiecki withdrew his pending amendments, AM1684 and AM1777, found on pages 1597 and 1675.

Senator Foley renewed his pending amendment, AM1806, found on page 1699, to the Kruse pending amendment.

Senators Beutler and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Foley amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 540.

Correctly Engrossed

The following bills were correctly engrossed: LBs 574 and 574A.

ER9069

Enrollment and Review Change to LB 574

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7131, on page 42, line 19, "9-812," has been struck; and in line 20 ", and section 9-812, Revised Statutes Supplement, 2002, as amended by section 1, Legislative Bill 367, Ninety-eighth Legislature, First Session, 2003" has been inserted after "2002".

2. On page 1, line 2, "and" has been struck.

(Signed) Ray Mossey, Chairperson

SELECT FILE

LEGISLATIVE BILL 208. Senator Bourne asked unanimous consent to bracket until January 21, 2004. No objections. So ordered.

Senators Brashear and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Kruse asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 303. E & R amendment, AM7100, printed separately and referred to on page 1265, was adopted.

Senator Byars renewed his pending amendment, AM1365, found on page 1319.

SENATOR VRTISKA PRESIDING

Senators Aguilar, Engel, Janssen, Kremer, Landis, McDonald, Schrock, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senators Jones and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Senator Smith asked unanimous consent to bracket LB 303 until January 7, 2004. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 760. Placed on Select File as amended.

E & R amendment to LB 760:

AM7139

1 1. In the Brashear amendment, AM1946, on page 1, line
 2 12, strike "Operations and".
 3 2. On page 1, strike lines 2 through 7 and insert
 4 "33-106, 33-138, 42-720, and 48-191, Reissue Revised Statutes of
 5 Nebraska, and sections 24-703, 25-21,223, 25-2221, 25-2921,
 6 29-3920, 29-3921, 29-3930, 29-3931, 49-1203, 76-1442, and 83-4,125,
 7 Revised Statutes Supplement, 2002; to create a fund; to require
 8 continuing education and training; to provide for an advisory
 9 committee; to increase and provide for fees; to change judges'
 10 retirement provisions; to provide duties for the State Court
 11 Administrator; to change powers and duties of the Commission on
 12 Public Advocacy; to provide for nonjudicial days; to provide powers
 13 for the Chief Justice; to harmonize provisions; to repeal the
 14 original sections; and to declare an emergency."

LEGISLATIVE BILL 760A. Placed on Select File as amended.

E & R amendment to LB 760A:

AM7138

1 1. On page 2, lines 2 and 3, strike "Operations and".

Correctly Engrossed

The following bills were correctly engrossed: LBs 759 and 759A.

ER9070

Enrollment and Review Change to LB 759

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Landis amendment, AM1745:

a. On page 3, line 1, "are" has been struck and "is" inserted; and

b. On page 13, line 10, the stricken "(2)(a)" has been reinstated, the new matter has been struck, "or" has been inserted after the second comma, and ", or (e)" has been struck and shown as stricken; in line 11 the new matter has been struck and "8 of this act until January 1, 2004, and the services defined in subdivision (8)(a), (b), (d), or (e) of section 8 of this act beginning on January 1, 2004" inserted; in line 12 the stricken matter has been reinstated and the new matter has been struck; in line 13 the new matter has been struck and "8 of this act until January 1, 2004, and subsection (9) of section 8 of this act beginning on January 1, 2004" inserted; in line 18 the stricken "(4)" has been reinstated and the new matter

has been struck; and in line 19 the new matter has been struck and "8 of this act until January 1, 2004, and services defined in subsection (10) of section 8 of this act beginning on January 1, 2004" inserted.

2. In the E & R amendments, AM7114:

a. Section 19 and all amendments thereto have been struck and

"Sec. 25. Sections 10, 13, 16, 19, 20, and 27 of this act become operative on January 1, 2004. The other sections of this act become operative on October 1, 2003." inserted;

b. On page 5, line 15, an underscored comma has been inserted after "earnings";

c. On page 19, line 4, "services that are" has been struck, shown as stricken, and "service that is" inserted; and in lines 9, 16, and 17 "77-2702.07" has been struck, shown as stricken, and "8 of this act" inserted;

d. On page 40, line 15, "section" has been struck, shown as stricken, and "subsection" inserted; and

e. On page 41, line 8, "section" has been struck and "subsection" inserted.

3. On page 1, lines 2 through 15 and all amendments thereto have been struck and "53-160, 77-2702.05, 77-2704.07, 77-2704.23, 77-2704.33, and 77-27.132, Reissue Revised Statutes of Nebraska, sections 77-2101.03, 77-2602, 77-2701, 77-2701.02, 77-2702.03, 77-2702.13, 77-2702.17, 77-2715.02, 77-27.222, and 77-4008, Revised Statutes Supplement, 2002, sections 77-2702.07, 77-2702.14, 77-2703, 77-2704.26, and 77-2705, Revised Statutes Supplement, 2002, as amended by sections 20, 36, 48, 58, and 70, respectively, Legislative Bill 282, Ninety-eighth Legislature, First Session, 2003, and sections 49 and 60, Legislative Bill 282, Ninety-eighth Legislature, First Session, 2003; to change provisions relating to alcohol taxes, estate taxes, cigarette taxes, sales and use taxes, income taxes, child care tax credits, and tobacco products taxes; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections." inserted.

4. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 596. Placed on General File as amended.

Standing Committee amendment to LB 596:

AM1977

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Section 77-2716, Revised Statutes

4 Supplement, 2002, is amended to read:

5 77-2716. (1) The following adjustments to federal

6 adjusted gross income or, for corporations and fiduciaries, federal

7 taxable income shall be made for interest or dividends received:

8 (a) There shall be subtracted interest or dividends
9 received by the owner of obligations of the United States and its
10 territories and possessions or of any authority, commission, or
11 instrumentality of the United States to the extent includable in
12 gross income for federal income tax purposes but exempt from state
13 income taxes under the laws of the United States;

14 (b) There shall be subtracted that portion of the total
15 dividends and other income received from a regulated investment
16 company which is attributable to obligations described in
17 subdivision (a) of this subsection as reported to the recipient by
18 the regulated investment company;

19 (c) There shall be added interest or dividends received
20 by the owner of obligations of the District of Columbia, other
21 states of the United States, or their political subdivisions,
22 authorities, commissions, or instrumentalities to the extent
23 excluded in the computation of gross income for federal income tax
24 purposes except that such interest or dividends shall not be added
1 if received by a corporation which is a regulated investment
2 company;

3 (d) There shall be added that portion of the total
4 dividends and other income received from a regulated investment
5 company which is attributable to obligations described in
6 subdivision (c) of this subsection and excluded for federal income
7 tax purposes as reported to the recipient by the regulated
8 investment company; and

9 (e)(i) Any amount subtracted under this subsection shall
10 be reduced by any interest on indebtedness incurred to carry the
11 obligations or securities described in this subsection or the
12 investment in the regulated investment company and by any expenses
13 incurred in the production of interest or dividend income described
14 in this subsection to the extent that such expenses, including
15 amortizable bond premiums, are deductible in determining federal
16 taxable income.

17 (ii) Any amount added under this subsection shall be
18 reduced by any expenses incurred in the production of such income
19 to the extent disallowed in the computation of federal taxable
20 income.

21 (2) There shall be allowed a net operating loss derived
22 from or connected with Nebraska sources computed under rules and
23 regulations adopted and promulgated by the Tax Commissioner
24 consistent, to the extent possible under the Nebraska Revenue Act
25 of 1967, with the laws of the United States. For a resident
26 individual, estate, or trust, the net operating loss computed on
27 the federal income tax return shall be adjusted by the
1 modifications contained in this section. For a nonresident
2 individual, estate, or trust or for a partial-year resident
3 individual, the net operating loss computed on the federal return
4 shall be adjusted by the modifications contained in this section
5 and any carryovers or carrybacks shall be limited to the portion of

6 the loss derived from or connected with Nebraska sources.

7 (3) There shall be subtracted from federal adjusted gross
8 income for all taxable years beginning on or after January 1, 1987,
9 the amount of any state income tax refund to the extent such refund
10 was deducted under the Internal Revenue Code, was not allowed in
11 the computation of the tax due under the Nebraska Revenue Act of
12 1967, and is included in federal adjusted gross income.

13 (4) Federal adjusted gross income, or, for a fiduciary,
14 federal taxable income shall be modified to exclude the portion of
15 the income or loss received from a small business corporation with
16 an election in effect under subchapter S of the Internal Revenue
17 Code or from a limited liability company organized pursuant to the
18 Limited Liability Company Act that is not derived from or connected
19 with Nebraska sources as determined in section 77-2734.01.

20 (5) There shall be subtracted from federal adjusted gross
21 income or, for corporations and fiduciaries, federal taxable income
22 dividends received or deemed to be received from corporations which
23 are not subject to the Internal Revenue Code.

24 (6) There shall be subtracted from federal taxable income
25 a portion of the income earned by a corporation subject to the
26 Internal Revenue Code of 1986 that is actually taxed by a foreign
27 country or one of its political subdivisions at a rate in excess of
1 the maximum federal tax rate for corporations. The taxpayer may
2 make the computation for each foreign country or for groups of
3 foreign countries. The portion of the taxes that may be deducted
4 shall be computed in the following manner:

5 (a) The amount of federal taxable income from operations
6 within a foreign taxing jurisdiction shall be reduced by the amount
7 of taxes actually paid to the foreign jurisdiction that are not
8 deductible solely because the foreign tax credit was elected on the
9 federal income tax return;

10 (b) The amount of after-tax income shall be divided by
11 one minus the maximum tax rate for corporations in the Internal
12 Revenue Code; and

13 (c) The result of the calculation in subdivision (b) of
14 this subsection shall be subtracted from the amount of federal
15 taxable income used in subdivision (a) of this subsection. The
16 result of such calculation, if greater than zero, shall be
17 subtracted from federal taxable income.

18 (7) Federal adjusted gross income shall be modified to
19 exclude any amount repaid by the taxpayer for which a reduction in
20 federal tax is allowed under section 1341(a)(5) of the Internal
21 Revenue Code.

22 (8)(a) There shall be subtracted from federal adjusted
23 gross income an amount equal to the difference between the amount
24 qualified for calculation of a deduction as provided in section
25 162(l) of the Internal Revenue Code and the amount actually allowed
26 pursuant to section 162(l)(1) of the Internal Revenue Code.

27 (b) For an individual who itemized deductions on his or

1 her federal return, the maximum amount subtracted under subdivision
2 (8)(a) of this section shall be seven and one-half percent of
3 federal adjusted gross income.

4 (9)(a) Federal adjusted gross income or, for corporations
5 and fiduciaries, federal taxable income shall be reduced, to the
6 extent included, by income from interest, earnings, and state
7 contributions received from the Nebraska educational savings plan
8 trust created in sections 85-1801 to 85-1814.

9 (b) Federal adjusted gross income or, for corporations
10 and fiduciaries, federal taxable income shall be reduced, to the
11 extent not deducted for federal income tax purposes, by the amount
12 of any gift, grant, or donation made to the Nebraska educational
13 savings plan trust for deposit in the endowment fund of the trust.

14 (c) Federal adjusted gross income or, for corporations
15 and fiduciaries, federal taxable income shall be reduced by any
16 contributions as a participant in the Nebraska educational savings
17 plan trust, not to exceed five hundred dollars per married filing
18 separate return or one thousand dollars for any other return.

19 (d) Federal adjusted gross income or, for corporations
20 and fiduciaries, federal taxable income shall be increased by the
21 amount resulting from the cancellation of a participation agreement
22 refunded to the taxpayer as a participant in the Nebraska
23 educational savings plan trust to the extent previously deducted as
24 a contribution to the trust.

25 (10)(a) For income tax returns filed after September 10,
26 2001, federal adjusted gross income or, for corporations and
27 fiduciaries, federal taxable income shall be increased by
1 eighty-five percent of any amount of any federal bonus depreciation
2 received under the federal Job Creation and Worker Assistance Act
3 of 2002 or the federal Jobs and Growth Tax Act of 2003, under
4 section 168(k) or section 1400L of the Internal Revenue Code of
5 1986, as amended, for assets placed in service after September 10,
6 2001, and before ~~September 11, 2004~~ December 31, 2005.

7 (b) For a partnership, limited liability company,
8 cooperative, including any cooperative exempt from income taxes
9 under section 521 of the Internal Revenue Code of 1986, as amended,
10 subchapter S corporation, or joint venture, the increase shall be
11 distributed to the partners, members, shareholders, patrons, or
12 beneficiaries in the same manner as income is distributed for use
13 against their income tax liabilities.

14 (c) For a corporation with a unitary business having
15 activity both inside and outside the state, the increase shall be
16 apportioned to Nebraska in the same manner as income is apportioned
17 to the state by section 77-2734.05.

18 (d) The amount of bonus depreciation added to federal
19 adjusted gross income or, for corporations and fiduciaries, federal
20 taxable income by this subsection shall be subtracted in a later
21 taxable year. Twenty percent of the total amount of bonus
22 depreciation added back by this subsection for tax years beginning

23 or deemed to begin before January 1, 2003, under the Internal
24 Revenue Code of 1986, as amended, may be subtracted in the first
25 taxable year beginning or deemed to begin on or after January 1,
26 2005, under the Internal Revenue Code of 1986, as amended, and
27 twenty percent in each of the next four following taxable years.

1 Twenty percent of the total amount of bonus depreciation added back
2 by this subsection for tax years beginning or deemed to begin on or
3 after January 1, 2003, may be subtracted in the first taxable year
4 beginning or deemed to begin on or after January 1, 2006, under the
5 Internal Revenue Code of 1986, as amended, and twenty percent in
6 each of the next four following taxable years.

7 (11) For taxable years beginning or deemed to begin on or
8 after January 1, 2003, under the Internal Revenue Code of 1986, as
9 amended, federal adjusted gross income or, for corporations and
10 fiduciaries, federal taxable income shall be increased by the
11 amount of any corporate dividend excluded from income due to any
12 federal law enacted after May 1, 2003.

13 Sec. 2. Section 77-2716.01, Revised Statutes Supplement,
14 2002, is amended to read:

15 77-2716.01. (1) Every individual shall be allowed to
16 subtract from his or her income tax liability an amount for
17 personal exemptions. The amount allowed to be subtracted shall be
18 the credit amount for the year as provided in this section
19 multiplied by the number of exemptions allowed on the federal
20 return. For tax year 1993, the credit amount shall be sixty-five
21 dollars; for tax year 1994, the credit amount shall be sixty-nine
22 dollars; for tax year 1995, the credit amount shall be sixty-nine
23 dollars; for tax year 1996, the credit amount shall be seventy-two
24 dollars; for tax year 1997, the credit amount shall be eighty-six
25 dollars; for tax year 1998, the credit amount shall be eighty-eight
26 dollars; for tax year 1999, and each year thereafter, the credit
27 amount shall be adjusted for inflation by the method provided in
1 section 151 of the Internal Revenue Code of 1986, as amended. The
2 eighty-eight-dollar credit amount shall be adjusted for cumulative
3 inflation since 1998. If any credit amount is not an even dollar
4 amount, the amount shall be rounded to the nearest dollar. The
5 amount allowed for each personal exemption shall be reduced, but
6 not below zero, by five dollars for each five thousand dollars, or
7 portion thereof, that federal adjusted gross income exceeds ninety
8 thousand dollars for married filing joint returns, fifty-four
9 thousand dollars for single returns, seventy-five thousand dollars
10 for head-of-household returns, and for married filing separate
11 returns, one-half the amount stated in this subsection for married
12 filing joint returns. For nonresident individuals and partial-year
13 resident individuals, the personal exemption credit shall be
14 subtracted as specified in subsection (3) of section 77-2715. For
15 tax year 1994 and each tax year thereafter, the income levels
16 stated in this subsection shall be adjusted for inflation by the
17 method provided in section 151 of the Internal Revenue Code of

18 1986, as amended. If any income level in this subsection is not a
19 multiple of one thousand dollars, the amount shall be rounded to
20 the next highest multiple of one thousand dollars.

21 (2)(a) For tax years beginning or deemed to begin before
22 January 1, 2003, under the Internal Revenue Code of 1986, as
23 amended, every Every individual who did not itemize deductions on
24 his or her federal return shall be allowed to subtract from federal
25 adjusted gross income a standard deduction equal to the federal
26 standard deduction for the filing status used on the federal return
27 except as the amount is adjusted under section 77-2716.03.

1 (b) For tax years beginning or deemed to begin on or
2 after January 1, 2003, and before January 1, 2004, under the
3 Internal Revenue Code of 1986, as amended, every individual who did
4 not itemize deductions on his or her federal return shall be
5 allowed to subtract from federal adjusted gross income a standard
6 deduction based on the filing status used on the federal return
7 except as the amount is adjusted under section 77-2716.03. The
8 standard deduction shall be (i) for single taxpayers four thousand
9 seven hundred fifty dollars, (ii) for head of household taxpayers
10 seven thousand dollars, (iii) for married filing jointly taxpayers
11 seven thousand nine hundred fifty dollars, and (iv) for married
12 filing separately taxpayers three thousand nine hundred
13 seventy-five dollars.

14 (c) For tax years beginning or deemed to begin on or
15 after January 1, 2004, the standard deduction amounts in
16 subdivision (2)(b) of this section shall be adjusted for inflation
17 by the method provided in section 151 of the Internal Revenue Code
18 of 1986, as amended. If any amount is not a multiple of ten
19 dollars, the amount shall be rounded to the next highest multiple
20 of ten dollars except that the standard deduction for the married
21 filing separately taxpayers may be a multiple of five dollars.

22 (3) Every individual who itemized deductions on his or
23 her federal return shall be allowed to subtract from federal
24 adjusted gross income the greater of either the standard deduction
25 allowed in subsection (2) of this section or the amount before the
26 federal disallowance of his or her federal itemized deductions,
27 except for the amount deducted on the federal return for state or
1 local income taxes paid and the amount of any adjustment required
2 under section 77-2716.03.

3 Sec. 3. Original sections 77-2716 and 77-2716.01,

4 Revised Statutes Supplement, 2002, are repealed."

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 146. E & R amendment, AM7113, found on page
1342, was adopted.

Senator D. Pederson renewed the Brashear pending amendment, AM1463, found on page 1383.

Senator Price asked unanimous consent to be excused. No objections. So ordered.

The Brashear amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Senator Brown offered the following amendment:
AM1487

(Amendments to E & R amendments, AM7113)

- 1 1. On page 9, line 7, after the last comma insert
- 2 "pharmacist"; and in line 11 after "services" insert ", of a kind
- 3 which are"; and in line 12 after "68-1025" insert an underscored
- 4 comma.

The Brown amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 513. E & R amendment, AM7130, found on page 1655, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 249. E & R amendment, AM7115, found on page 1501, was adopted.

Senator Foley renewed his pending amendment, AM0887, found on page 1409.

Senator Chambers offered the following amendment to the Foley pending amendment:

FA1364

Amend AM0887

Strike lines 1 and 2 and insert the following:

On or before October 1 of each school year, each school district may provide information to students in grades seven through twelve explaining the provisions of section 71-6902 with regard to the requirements for parental notification as a condition for obtaining an abortion. If information is provided, the information shall also explain the provisions of sections 71-6903 and 71-6904 with regard to seeking a judicial waiver of the parental notification requirements. The State Department of Education shall develop and distribute to all public schools a standardized information form which may be used. The standardized information form shall be approved by the

State Board of Education following opportunity for public testimony at a public hearing of the board.

Senator Chambers withdrew his amendment.

Senator Mossey asked unanimous consent to be excused. No objections. So ordered.

Senator Thompson requested a ruling of the Chair on whether the Foley amendment is germane to the bill.

The Chair ruled the Foley amendment is not germane to the bill.

Senator Foley challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Chambers raised point of order on whether a member may yield speaking time to another member who had previously spoken during debate on a motion to overrule the Chair, pursuant to Rule 1, Section 12.

The Chair ruled that there is no rule that prohibits time being yielded to another member.

Senator Bourne challenged the ruling of the Chair on whether a member may yield time to another member during debate on a motion to overrule the Chair, pursuant to Rule 1, Section 12. The question is, "Shall the Chair be overruled?"

Senator Bourne withdrew his motion to challenge the Chair.

Senator Foley withdrew his motion to challenge the Chair.

Senator Thompson withdrew her request on whether the Foley amendment is germane to the bill.

Senator Foley withdrew his pending amendment, AM0887, found on page 1409 and considered in this day's Journal.

Senator Raikes withdrew his pending amendment, AM1779, found on page 1678.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Synowiecki filed the following amendment to LB 743:
AM1961

(Amendments to AM1484)

- 1 1. On page 1, strike beginning with "Charitable" in line

2 10 through "(3)" in line 12; in line 13 strike "(4)" and insert
 3 "(3)"; in line 20 strike "(5)" and insert "(4)"; and in line 23
 4 strike "(6)" and insert "(5)".
 5 2. On page 2, line 4, strike "(7)" and insert "(6)"; and
 6 strike line 7 and insert "services".
 7 3. On page 3, strike beginning with "by" in line 3
 8 through "contributor" in line 5 and insert "by or on behalf of a
 9 nonprofit organization described in section 501 of the Internal
 10 Revenue Code".

Senator Chambers filed the following amendment to LB 48:

AM1978

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 81-3606, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 81-3606. There is hereby created the Rural Development
 6 Cash Fund which shall be used by the Rural Development Commission
 7 for the purposes of sections 81-3601 to 81-3605. Money credited to
 8 the fund shall include any monetary gifts, grants, and donations,
 9 proceeds from contracts for services, and reimbursements of
 10 expenses and at least seventy-five percent of any grant funds under
 11 the National Rural Development Partnership received by the State of
 12 Nebraska, up to three hundred thousand dollars, from the United
 13 States Department of Agriculture. Any money in the fund available
 14 for investment shall be invested by the state investment officer
 15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 16 State Funds Investment Act.
 17 Sec. 2. Sections 81-3601 to 81-3609, Reissue Revised
 18 Statutes of Nebraska, are revived.
 19 Sec. 3. Original section 81-3606, Reissue Revised
 20 Statutes of Nebraska, is repealed.
 21 Sec. 4. Since an emergency exists, this act takes effect
 22 when passed and approved according to law."

Senator Brown filed the following amendment to LB 283:

AM1975

(Amendments to E & R amendments, AM7140)

1 1. Insert the following new sections:
 2 "Sec. 3. Section 77-2701.02, Revised Statutes
 3 Supplement, 2002, is amended to read:
 4 77-2701.02. Pursuant to section 77-2715.01:
 5 (1) Until July 1, 1998, the rate of the sales tax levied
 6 pursuant to section 77-2703 shall be five percent;
 7 (2) Commencing July 1, 1998, and until July 1, 1999, the
 8 rate of the sales tax levied pursuant to section 77-2703 shall be
 9 four and one-half percent;
 10 (3) Commencing July 1, 1999, and until the start of the
 11 first calendar quarter after July 20, 2002, the rate of the sales

12 tax levied pursuant to section 77-2703 shall be five percent;
13 (4) Commencing on the start of the first calendar quarter
14 after July 20, 2002, and until ~~the start of the fifth calendar~~
15 ~~quarter after July 20, 2002,~~ October 1, 2007, the rate of the sales
16 tax levied pursuant to section 77-2703 shall be five and one-half
17 percent; and

18 (5) Commencing on October 1, 2007, ~~the start of the fifth~~
19 ~~calendar quarter after July 20, 2002,~~ the rate of the sales tax
20 levied pursuant to section 77-2703 shall be five percent.

21 Sec. 4. Section 77-2715.02, Revised Statutes Supplement,
22 2002, is amended to read:

23 77-2715.02. (1) Whenever the primary rate is changed by
1 the Legislature under section 77-2715.01, the Tax Commissioner
2 shall update the rate schedules required in subsection (2) of this
3 section to reflect the new primary rate and shall publish such
4 updated schedules.

5 (2) The following rate schedules are hereby established
6 for the Nebraska individual income tax and shall be in the
7 following form:

8 (a) The income amounts for columns A and E shall be:

9 (i) \$0, \$2,400, \$17,000, and \$26,500, for single returns;

10 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
11 joint returns;

12 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
13 head-of-household returns;

14 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
15 separate returns; and

16 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
17 trusts;

18 (b) The amount in column C shall be the total amount of
19 the tax imposed on income less than the amount in column A;

20 (c) The amount in column D shall be the rate on the
21 income in excess of the amount in column E;

22 (d) For taxable years beginning or deemed to begin before
23 January 1, 2003, and for taxable years beginning or deemed to begin
24 on or after January 1, ~~2007, 2004,~~ under the Internal Revenue Code
25 of 1986, as amended, the primary rate set by the Legislature shall
26 be multiplied by the following factors to compute the tax rates for
27 column D. The factors for the brackets, from lowest to highest
1 bracket, shall be .6784, .9432, 1.3541, and 1.8054;

2 (e) For taxable years beginning or deemed to begin on or
3 after January 1, 2003, and before January 1, ~~2007, 2004,~~ under the
4 Internal Revenue Code of 1986, as amended, the primary rate set by
5 the Legislature shall be multiplied by the following factors to
6 compute the tax rates for column D. The factors for the brackets,
7 from lowest to highest bracket, shall be .6932, .9646, 1.3846, and
8 1.848;

9 (f) The amounts for column C shall be rounded to the
10 nearest dollar, and the amounts in column D shall be rounded to

11 hundredths of one percent; and

12 (g) One rate schedule shall be established for each
13 federal filing status.

14 (3) The tax rate schedules shall use the format set forth
15 in this subsection.

16	A	B	C	D	E
17	Taxable income	but not	pay	plus	of the
18	over	over			amount over

19 (4) The tax rate applied to other federal taxes included
20 in the computation of the Nebraska individual income tax shall be
21 eight times the primary rate.

22 (5) The Tax Commissioner shall prepare, from the rate
23 schedules, tax tables which can be used by a majority of the
24 taxpayers to determine their Nebraska tax liability. The design of
25 the tax tables shall be determined by the Tax Commissioner. The
26 size of the tax table brackets may change as the level of income
27 changes. The difference in tax between two tax table brackets
1 shall not exceed fifteen dollars. The Tax Commissioner may build
2 the personal exemption credit and standard deduction amounts into
3 the tax tables.

4 (6) The Tax Commissioner may require by rule and
5 regulation that all taxpayers shall use the tax tables if their
6 income is less than the maximum income included in the tax
7 tables."

8 2. On page 11, line 22, strike "section" and insert
9 "sections 77-2701.02, 77-2715.02, and".

10 3. Renumber the remaining sections and correct internal
11 references accordingly.

Senator Maxwell filed the following amendment to LB 95:
AM1769

(Amendments to Standing Committee amendments, AM0576)

1 1. Strike section 4 and insert the following new
2 section:
3 "Sec. 4. (1) Every hospital licensed under the Health
4 Care Facility Licensure Act shall maintain a written policy for the
5 disposition of the remains of a child born dead at such hospital.
6 The parent of such child shall have the right to direct the
7 disposition of such remains, except that disposition may be made by
8 the hospital if no such direction is given by the parent within
9 fourteen days following the delivery of such remains. Such policy
10 and such disposition shall comply with all applicable provisions of
11 state and federal law. Upon the delivery of a child born dead, the
12 hospital shall notify the parent of such parent's right to direct
13 the disposition of the remains of such child and shall provide the
14 parent with a copy of its policy with respect to such disposition.
15 (2) For purposes of this section, child born dead means a
16 child at any stage of gestation (a) who has died in utero, (b)
17 whose remains have been removed from the uterus of the mother, for

18 whom pregnancy has been confirmed prior to such removal, and (c)
19 whose remains are identified with the naked eye at the time of such
20 removal by the attending physician or upon subsequent pathological
21 examination if requested by the parent. This section shall not
22 apply to the performance of an elective abortion.
23 (3) Except as otherwise provided by law, nothing in this
1 section shall be interpreted to prohibit any hospital from
2 providing additional notification and assistance to the parent of a
3 child born dead at such hospital relating to the disposition of the
4 remains of such child, even if such remains cannot be identified
5 with the naked eye at the time of delivery or upon subsequent
6 pathological examination."

VISITORS

Visitors to the Chamber were 48 fourth-grade students, teachers, and sponsors from Howard Elementary School, Grand Island; students from Central Community College, Grand Island; Melissa Huber, Madison Sr, Michelle Leany, and Robin and Theresa Huber from Legislative District 18; Marilyn Andersen from Decatur; 35 fourth-grade students and teachers from Cather Elementary School, Omaha; 14 eighth-grade students and teacher from St. Michaels School, South Sioux City; 100 fourth-grade students and teachers from Neihardt Elementary School, Omaha; fourth-grade students and teacher from Lewis and Clark School, South Sioux City; and 79 fourth-grade students and teachers from Picotte Elementary School, Omaha.

ADJOURNMENT

At 2:24 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Monday, May 19, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 19, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 19, 2003

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 Connealy and Redfield who were excused; and Senators Bromm, Brown, Landis, D. Pederson, Price, Raikes, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 283. Placed on Select File as amended.

(E & R amendment, AM7140, is printed separately and available in the Bill Room, Room 1104.)

Correctly Engrossed

The following bills were correctly engrossed: LBs 146, 513, and 754.

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 43. Title read. Considered.

The Standing Committee amendment, AM1246, found on page 1348, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 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 73. Title read. Considered.

The Standing Committee amendment, AM0304, found on page 483, was considered.

Senator Tyson renewed the Tyson-Cunningham pending amendment, AM1706, found on page 1621, to the Standing Committee amendment.

The Tyson-Cunningham amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Quandahl withdrew his pending amendment, AM1744, found on page 1776.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 73A. Title read. Considered.

SPEAKER BROMM PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 95. Title read. Considered.

The Standing Committee amendment, AM0576, found on page 694, was considered.

Senator Maxwell renewed his pending amendment, AM1769, found on page 1890, to the Standing Committee amendment.

The Maxwell amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

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

(Amendment, AM1980, is on file and available in the Clerk's Office, Room 2014.)

The Byars amendment was adopted with 31 ayes, 0 nays, 15 present and not

voting, and 3 excused and not voting.

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

AM1982

(Amendments to AM1769)

- 1 1. On page 1, line 6, strike "The" and insert "A"; in
- 2 lines 8 and 21 strike "the" and insert "a"; in line 12 strike "the
- 3 parent of such parent's" and insert "at least one parent of such
- 4 parents"; and in line 13 strike the last "the" and insert "at
- 5 least one".

The Beutler amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, 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.

LEGISLATIVE BILL 655. Title read. Considered.

The Standing Committee amendment, AM1201, found on page 1188, was considered.

Senator Quandahl renewed his pending amendment, AM1506, found on page 1671, to the Standing Committee amendment.

The Quandahl amendment was adopted with 30 ayes, 0 nays, 17 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 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 596. Title read. Considered.

The Standing Committee amendment, AM1977, found on page 1880, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

The Standing Committee amendment, AM1845, found on page 1744, 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 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 249.

ER9071

Enrollment and Review Change to LB 249

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7115:

a. On page 6, the matter beginning with "Any" in line 12 through "(4)" in line 13 has been struck and shown as stricken; in line 15 "(5)" has been struck, shown as stricken, and "(4)" inserted; in line 17 "(6)" has been struck, shown as stricken, and "(5)" inserted; in line 18 "(7)" has been struck, shown as stricken, and "(6)" inserted; in line 20 "(8)" has been struck, shown as stricken, and "(7)" inserted; in line 22 "(9)" has been struck, shown as stricken, and "(8)" inserted; in line 25 "(10)" has been struck, shown as stricken, and "(9)" inserted; and in line 27 "(11)" has been struck, shown as stricken, and "(10)" inserted; and

b. On page 7, line 1, "(12)" has been struck, shown as stricken, and "(11)" inserted.

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senators Raikes and Landis filed the following amendment to LB 622: AM1956

(Amendments to Final Reading copy)

1. Insert the following new sections:
2. "Section 1. Section 77-27,139.03, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 77-27,139.03. (1) State aid provided to municipalities
- 5 pursuant to sections 77-27,139.01 to 77-27,139.04 shall be
- 6 calculated by determining the average property tax levy for

7 operational purposes other than for principal and interest payments
8 on the indebtedness of all incorporated municipalities. The
9 Auditor of Public Accounts shall provide to the Department of
10 Revenue a list of the bond and nonbond tax request amounts from the
11 most recent budgets filed by incorporated municipalities. The
12 information shall be used to calculate the bond and nonbond tax
13 levies for aid purposes under this section. The auditor shall
14 provide the information to the department by February 1 each year.

15 (2) Each municipality shall receive state aid from the
16 Municipal Equalization Fund equal to (a) the product of the average
17 per capita property tax of the appropriate population group
18 multiplied by the current population of the municipality minus (b)
19 the product of the average property tax levy multiplied by the
20 certified valuation within the incorporated municipality, except
21 that a municipality shall not receive any aid under this section if
22 the calculation results in a negative number.

23 (3) If a municipal tax levy for operational purposes was
1 less than the average property tax levy in the immediately
2 preceding fiscal year, the state aid provided to such municipality
3 shall be reduced by twenty percent for each one-cent increment the
4 levy was below the average property tax levy.

5 (4) If the amount of money in the Municipal Equalization
6 Fund is less than the total amount of state aid for all
7 municipalities as required by the allocation formula in subsection
8 (2) of this section, the money in the fund shall be allocated on a
9 prorated basis to such municipalities. If the amount of money in
10 the fund is more than the total amount of state aid for
11 municipalities as required by the allocation formula, one million
12 six thousand dollars of the excess money in the fund for fiscal
13 year 2002-03 shall be distributed along with and in the same manner
14 as provided in section 77-27,137.01 and the remainder shall be
15 credited to the General Fund and the excess money in the Municipal
16 Equalization Fund for all other fiscal years shall be credited to
17 the General Fund."

18 2. On page 1, line 1, strike "section" and insert
19 "sections 77-27,139.03 and"; in line 2 after the semicolon insert
20 "to change a state aid allocation formula;"; and in line 5 strike
21 "section" and insert "sections".

22 3. On page 3, line 26, strike "section" and insert
23 "sections 77-27,139.03 and"; and in line 27 strike "is" and insert
24 "are".

25 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 32. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Beutler offered the following motion:
Bracket until January 1, 2004.

The Beutler motion to bracket prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

VISITORS

Visitors to the Chamber were students from Park Avenue Christian School, Norfolk; 29 fourth-grade students and teacher from Axtell; 11 third- and fourth-grade students and teacher from Exeter/Milligan; and 60 fourth-grade students and teachers from Cottonwood Elementary School, Omaha.

RECESS

At 11:48 a.m., on a motion by Speaker 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 Connealy and Redfield who were excused; and Senators Johnson, Mines, and Schrock who were excused until they arrive.

REPORT OF THE EXECUTIVE BOARD

2003 Resolutions calling for an Interim Study

- LR 42 Interim study to examine the quality of services coordination provided by the Dept. of Health and Human Services to persons in Nebraska's developmental disabilities system
Health and Human Services
- LR 63 Interim study to determine whether statutes should be enacted regarding prompt payment of claims submitted to health insurers
Banking, Commerce and Insurance
- LR 81 Interim study to examine firefighter pension plans of cities of the first class
Nebraska Retirement Systems
- LR 82 Interim study to determine whether statutes should be enacted to provide for interstate review of life insurance, annuities, and disability income
Banking, Commerce and Insurance

- LR 83 Interim study to determine whether statutes should be enacted to require that the Dept. of Insurance review rates charged for personal lines property and casualty insurance on a file and use basis
Banking, Commerce and Insurance
- LR 84 Interim study to continue the study in Nebraska of the Uniform Trust Code
Banking, Commerce and Insurance
- LR 85 Interim study to determine whether the prior authorization system for Medicaid recipients who receive prescription drugs has adequate safeguards
Health and Human Services
- LR 86 Interim study to determine whether Nebraska should adopt legislation requiring use of uniform digitized law enforcement identification for all peace officers
Judiciary
- LR 87 Interim study to examine extending protections afforded to owners and sellers of grain under the Grain Dealer Act and Grain Warehouse Act
Agriculture
- LR 88 Interim study to examine implications of USDA v. United Foods with respect to federal commodity promotion programs
Agriculture
- LR 89 Interim study to examine alternative revenue sources to fund the duties and activities of the Dept. of Agriculture under the Noxious Weed Control Act
Agriculture
- LR 90 Interim study to examine residency requirements for elected county officials
Government, Military and Veterans Affairs
- LR 91 Interim study to examine granting statutory authority to counties to enact ordinances, bylaws, rules, regulations, or resolutions
Government, Military and Veterans Affairs
- LR 92 Interim study to examine Nebraska's plan for the continuity of government in periods of emergency
Select Committee
- LR 93 Interim study to examine the need for statutory and other mechanisms to protect and balance the financial interests of

persons involved in livestock sales transactions
Agriculture/Banking, Commerce and Insurance

- LR 94 Interim study to review issues relating to creation of a separate and distinct land classification for certain agricultural land
Revenue
- LR 95 Interim study to examine the value to agriculture of the permit requirement to sell or dispose of current tractor models and implications for the Nebr. Tractor Testing Laboratory
Agriculture
- LR 96 Interim study to examine a second round of deferred maintenance projects by the University of Nebraska and state colleges that could be completed
Appropriations
- LR 98 Interim study to examine the Nebraska Environmental Trust
Natural Resources
- LR 99 Interim study to examine the problems associated with disposal of used electronic equipment
Natural Resources
- LR 100 Interim study to examine the barriers to the development of renewable energy in Nebraska
Natural Resources
- LR 101 Interim study to examine the Nebraska employees' hours of work as it relates to mandatory overtime
Business and Labor
- LR 102 Interim study to examine the status of the Dept. of Natural Resources since the merger and issues regarding regulation of surface water and ground water
Natural Resources
- LR 103 Interim study to examine all provisions of the Petroleum Release Remedial Action Act
Natural Resources
- LR 104 Interim study to conduct an in-depth review of the scrap tire program
Natural Resources
- LR 105 Interim study to examine the recycling of hazardous wastes into fertilizers
Natural Resources/Agriculture

- LR 106 Interim study to review integrated pest management practices in schools and other buildings or areas where children are present
Agriculture
- LR 107 Interim study of the Nebraska Workers' Compensation Act
Business and Labor
- LR 108 Interim study of Nebraska's unemployment compensation laws relating to benefits eligibility
Business and Labor
- LR 109 Interim study of the administrative function of the Nebraska Workers' Compensation Court
Business and Labor
- LR 110 Interim study of the issues surrounding Professional Employer Organizations and employee leasing companies
Business and Labor
- LR 111 Interim study to review the collective bargaining statutes of Nebraska
Business and Labor
- LR 112 Interim study of the programs and funds administered by the Dept. of Labor
Business and Labor
- LR 113 Interim study of the Game and Parks Commission's ability to generate revenue to pay for road construction as well as programs associated with boating
Natural Resources
- LR 114 Interim study of the cost effectiveness of upgrading the Nebraska Building Energy Conservation Standard
Urban Affairs
- LR 115 Interim study of the fiscal impact and costs associated with local and long-distance phone calls made by inmates under the supervision of the Dept. of Correctional Services
Judiciary
- LR 116 Interim study to review state common carrier laws, rules and regulations
Transportation and Telecommunications
- LR 117 Interim study of the state's speed limits as well as the fine schedule and enforcement of such speed limits
Transportation and Telecommunications

- LR 118 Interim study of issues relating to unsolicited electronic mail
Transportation and Telecommunications
- LR 119 Interim study of issues that come under the jurisdiction of the
Transportation and Telecommunications Committee
Transportation and Telecommunications
- LR 120 Interim study to review state and federal common carrier laws,
rules and regulations
Transportation and Telecommunications
- LR 121 Interim study to evaluate the fee structure under the Livestock
Waste Management Act and the federal Environmental Protection
Agency Concentrated Animal Feeding Operation rules
Natural Resources
- LR 122 Interim study to review existing law and the need for legislation
regarding the predatory pricing of motor fuel
Revenue
- LR 123 Interim study to determine the feasibility of implementing the
provisions of the Master Settlement Agreement Protection Act
Revenue
- LR 124 Interim study to determine what would be the administrative costs
to the state of taking over the administration of the federal Head
Start Program
Appropriations
- LR 125 Interim study to determine what is the state's involvement in crime
victims' reparations
Judiciary
- LR 127 Interim study to examine issues under the jurisdiction of the
Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs
- LR 128 Interim study to examine the transfer of state service annuities from
the School Retirement System to the system created under the
Class V School Employees Retirement Act
Nebraska Retirement Systems
- LR 129 Interim study to examine issues raised in LR 21CA concerning
retirement benefits for certain retired school employees
Nebraska Retirement Systems
- LR 130 Interim study to authorize an interim study of the correctional
system
Judiciary

- LR 132 Interim study to examine information available on county assessors' websites
Government, Military and Veterans Affairs
- LR 133 Interim study to convene an Economic Summit to discuss state priorities and to recommend changes to our revenue system
Executive Board
- LR 134 Interim study to examine information available on county assessors', registers of deeds', and county clerks websites
Government, Military and Veterans Affairs
- LR 135 Interim study to examine alternatives to provide a program for early retirement for long-term state employees
Nebraska Retirement Systems
- LR 136 Interim study to examine the impact of manual strangulation and other states' laws with respect to aggravated assaults
Judiciary
- LR 137 Interim study to examine the financial assurance requirements in all of the programs in the Dept. of Environmental Quality and the Dept. of Agriculture
Natural Resources/Agriculture
- LR 138 Interim study of the collective-bargaining process used by teachers' unions and school boards
Business and Labor/Education
- LR 139 Interim study of the effect of closing the Lincoln Correctional Center
Judiciary
- LR 140 Interim study of Nebraska's corporate registration tax
Revenue
- LR 141 Interim study to examine the impact of eliminating the Nebraska Forest Service
Appropriations
- LR 143 Interim study to examine ways to ensure that candidates for the office of county sheriff are qualified to assume office immediately upon election
Judiciary
- LR 144 Interim study to examine the area of need-based aid to students attending postsecondary educational institutions
Education

- LR 145 Interim study to examine the need for mental health advance directives in Nebraska
Health and Human Services
- LR 146 Interim study to review state law regarding the length of the statute of limitations for sexual offenses against children
Judiciary
- LR 147 Interim study to examine the structure and mission of the Mexican-American Commission and the Commission on Indian Affairs
Government, Military and Veterans Affairs
- LR 148 Interim study to review application of the law allowing temporary placement of certain juveniles with the Dept. of Health and Human Services
Health and Human Services
- LR 149 Interim study to review rules adopted by the Dept. of Environmental Quality for open-area livestock yards and proposed federal EPA general permit rules
Natural Resources/Agriculture/Government, Military and Veterans Affairs
- LR 150 Interim study to examine issues related to the high volume of liquor sales from Whiteclay, Nebraska, to the Oglala Sioux Tribe
General Affairs
- LR 151 Interim study of charitable gaming in Nebraska
General Affairs
- LR 152 Interim study of the current system for tracking cemetery locations in the state
General Affairs
- LR 153 Interim study to determine if there are cost savings by outsourcing purchase and maintenance of state-owned computers, network equipment, and computer peripherals
Appropriations
- LR 154 Interim study to identify legal barriers to permanency for children in foster care
Judiciary
- LR 155 Interim study to examine how child abuse and neglect and sexual abuse reports are being responded to by child protective services at the Dept. of Health and law enforcement
Health and Human Services/Judiciary

- LR 156 Interim study of options for creating a small business tax credit system
Revenue
- LR 157 Interim study of options for expanding state-income-tax-based incentives for charitable giving in Nebraska
Revenue
- LR 158 Interim study of the Nebraska Workers' Compensation Act
Business and Labor
- LR 159 Interim study to review policies and procedures necessary in establishing a comprehensive organ donor registry
Health and Human Services
- LR 160 Interim study of the overall structure of the medicaid program
Health and Human Services
- LR 161 Interim study to consider steps that can be taken to support and develop the vehicle service and towing industry
Transportation and Telecommunications
- LR 162 Interim study to examine the effectiveness of the Tax Equalization and Review Commission
Revenue
- LR 163 Interim study to gather information on the level and type of use, governance, financing, and promotion of airport facilities
Transportation and Telecommunications
- LR 164 Interim study to examine alternative funding mechanisms for the superfund site in Omaha
Natural Resources/Health and Human Resources
- LR 165 Interim study to review the implementation of LB 626, regarding services contracts by agencies and the Dept. of Administrative Services
Government, Military and Veterans Affairs
- LR 166 Interim study to examine taxing all media advertising
Revenue
- LR 167 Interim study to continue work done by the Revenue Committee comparing Nebraska's tax structure to that of other states
Revenue
- LR 168 Interim study to review statutorily authorizing drug court program structures
Judiciary

- LR 169 Interim study to review topics relating to the State DNA Data Base
Judiciary
- LR 170 Interim study to determine the appropriate legislative means that
should be employed to lower the age of majority
Judiciary
- LR 171 Interim study to determine whether passage of LB 46, regarding
corrections, probation, and parole, will require further legislative
response
Judiciary
- LR 172 Interim study to examine the issue of controlled substances,
specifically relating to methamphetamines
Judiciary
- LR 173 Interim study to consider steps that can be taken to enhance,
support, and develop the recreational value of Nebraska's lakes and
rivers
Natural Resources
- LR 174 Interim study to review public higher education financing
Task Force
- LR 175 Interim study to determine the extent to which discrimination,
based on sexual orientation, exists in employment
Business and Labor
- LR 176 Interim study to determine the extent to which discrimination,
based on sexual orientation, exists in the rental of an apartment or
the sale of a house
Judiciary
- LR 177 Interim study of the role of vocational rehabilitation specialists of
the Workers' Compensation Court in overseeing private vocational
rehabilitation counselors
Business and Labor
- LR 178 Interim study of the laws regarding immigration and employment
of noncitizens
Business and Labor
- LR 179 Interim study to convene a task force to examine the role and
mission of licensed assisted-living facilities serving Nebraska's
elderly
Health and Human Services
- LR 180 Interim study to review the organizational structure of elementary

and secondary education
Education

- LR 181 Interim study to examine the application of motor carriers' rates to transportation services purchased by the Health and Human services system
Transportation and Telecommunications
- LR 182 Interim study to examine the administrative and personnel structure of the Health and Human Services System
Health and Human Services
- LR 183 Interim study to provide information on patterns of spending by government agencies
Appropriations
- LR 184 Interim study to examine the state's obligation to provide for free instruction for persons between the ages of five and twenty-one years with respect to cocurricular and extracurricular activities
Education
- LR 185 Interim study to determine the extent of the problem of domestic violence
Judiciary
- LR 186 Interim study to examine the causes and effects of obesity on young people
Health and Human Services
- LR 187 Interim study to examine health provider networks that are owned by certain health providers and whether the Dept. of Insurance should be authorized to regulate such networks
Banking, Commerce and Insurance

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion # 03016

DATE: May 19, 2003

SUBJECT: Federal Rural Economic Development Loan And Grant Program; Constitutionality Of Participation In The Grant Portion Of That Program By Public Power Districts Under Art. XIII, § 3 Of The Nebraska Constitution.

REQUESTED BY: Senator Jim Jones
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

In our Op. Att'y Gen. No. 00042 (December 5, 2000), we considered the constitutionality of zero-interest loans by public power districts for rural economic development under the federal Rural Economic Development Loan and Grant Program ("REDLG"). That opinion, which was prepared at your request, concerned the application of art. XIII, § 3 of the Nebraska Constitution to the loans in question. We ultimately concluded that zero-interest loans by a Nebraska public power district for economic development purposes under the REDLG program would involve a violation of art. XIII, § 3.

You have now requested a second opinion from us regarding the REDLG program. In this instance, you are concerned about the grant portion of that program which was not the subject of your previous inquiry. We understand that, depending upon our response, you are considering introduction of corrective legislation or a constitutional amendment to allow Nebraska public power districts to participate in the grants.

The federal "cushion of credit payments program," set out at 7 U.S.C. § 40c and 7 CFR, Subpart B, §§ 1703.10 through 1703.68, is a federal program whereby Rural Electrification Act borrowers can obtain federal loans and grants for rural economic development purposes from the Rural Utilities Service ("RUS"). You describe the grant program in the following terms:

The grant is made to the PPD [public power district], which is required to contribute 20 percent of the amount of the grant to the fund, and the PPD sets up a revolving loan program to fund eligible economic development projects.

Unlike the zero-interest loans which were the subject of our earlier opinion, it does not appear that public power districts are required to pay back amounts provided to them under the REDLG grant program. However, public power districts which do receive REDLG grant funds must follow various RUS requirements and procedures in making loans under a grant.

We will quote extensively from our Opinion No. 00042, since it has direct application to the present question you have presented. In that opinion, we began with a general discussion of art. XIII, § 3:

Art XIII, § 3 of the Nebraska Constitution provides that "[t]he credit of the state shall never be given or loaned in aid of any individual, association, or corporation" The purpose of that section 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 determining whether an expenditure violates 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 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 722, 718, 467 N.W.2d at 852. (1991).

Op. Att'y Gen. No. 00042 (December 5, 2000) at 3. We then discussed application of the credit of the state aspect of art. XIII, § 3 to the zero-interest loan program at issue in that opinion:

In the present instance, we understand that the focus of your inquiry is the REDLG "pass-through" loan program, whereby the Rural Utilities Service of USDA (RUS) would make a zero-interest loan to a public power district in Nebraska for rural economic development purposes. That power district would then, in turn, make a zero-interest loan of the funds from RUS to another entity that would ultimately own or undertake a private development project using the proceeds of the loan. Under such a scenario, RUS could require the public power district, as borrower, to provide it with an irrevocable letter of credit or other guarantee satisfactory to RUS that the loan would be repaid. 7 CFR, Subpart B, § 1703.29 (d). With respect to your first question to us, you wish to know, in essence, if removing the letter of credit requirement or other guarantee by the power district from the zero-interest loan process would cure any potential problems with that process under art. XIII, § 3. For the reasons discussed below, we do not believe that removing the letter of credit requirement would bring about

the cure which you seek.

As noted above, the initial element of the test for a proposal under art XIII, § 3 requires a determination as to whether the proposal involves lending the credit of the state. In regard to that determination, the key issue is whether the state or the governmental subdivision involved stands as a creditor in the process through the expenditure of its funds, or as a debtor in the process by the extension of credit in the interest of private parties. One aspect of the REDLG pass-through loan program would involve a loan from a public power district to another entity that would ultimately own or undertake a private development project using the proceeds of that loan. The power district would stand as a creditor in that transaction, since it would loan funds to the private entity. As a result, that portion of the program does not appear to involve lending the credit of the state.

On the other hand, the pass-through loan program, as outlined in your initial question, requires the public power district to borrow funds from RUS in order to loan those funds to the private entity. That loan from RUS to the power district would necessitate a letter of agreement and any additional legal documentation from the power district which RUS deemed appropriate, including loan agreements, promissory notes, security instruments, certifications or legal opinions. 7 CFR, Subpart B, § 1703.59 (a). In addition, the repayment terms of the loan from RUS to the public power district would have to equal the terms of the loan from the power district to the private borrower, and the power district would be required to make payments on the zero-interest loan in accordance with the legal documents executed by the power district. 7 CFR, Subpart B, §§ 1703.29 (a) and 1703.61 (a). Presumably, the power district would also have to pay back its zero interest loan to RUS even if the private pass-through borrower defaulted in its duty to make payments to the power district.

It appears to us that the second aspect of the pass-through loan program, where the public power district borrows money from RUS and then must repay that loan, implicates the credit of the state. In that latter situation, the power district stands as a debtor through the extension of its credit, rather than as a creditor through the loan of public funds. Consequently, the pass-through loan portion of the REDLG program meets the first element of an unconstitutional extension of credit under art. XIII, § 3.

Op. Att'y Gen. No. 00042 (December 5, 2000) at 3-5.

In the present instance, we understand that a public power district which participates in the REDLG grant program does not borrow the funds which it uses for zero-interest loans from RUS, and that it has no obligation to repay those monies to RUS. Instead, the public power district receives grant monies from RUS which it uses, along with its own monies, to fund loans to

borrowers for economic development purposes in accordance with the applicable federal regulations. Under those circumstances, it seems to us that the public power district would not stand as a debtor to RUS, and participation in the REDLG grant program would not involve lending the credit of the state under art. XIII, § 3. For that reason, we believe that participation in the REDLG grant program is permissible for a public power district under that constitutional provision.

In your opinion request letter, you also ask us to address any other issues regarding public power districts and the REDLG grant program presented by the materials you provided to us. In that regard, you gave us a copy of an opinion prepared by private counsel concerning public power district participation in the REDLG grant program. That opinion discusses the issue of whether public power districts in Nebraska currently have authority to use district monies to contribute 20% of the loan amount to borrowers under a REDLG grant.

We have reviewed the opinion prepared by private counsel which you provided to us, and we agree with the analysis stated therein. In essence, that opinion indicates that public power districts in Nebraska do have implied authority under the applicable statutes and cases to use district monies to contribute 20% of the funding for loans made under the REDLG grant program. However, that the authority for public power districts to contribute their own monies for REDLG loans is implied under the existing statutes, and you may wish to consider additional legislation to explicitly give public power districts such authority if you feel that such legislation is warranted.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05-169-21

MESSAGE FROM THE GOVERNOR

May 16, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been

reappointed to the Boiler Safety Code Advisory Board.

APPOINTEES:

Thomas Hix, 1717 S 155th Ave, Omaha, NE 68144

Robert Hill, 12972 Redman Circle, Omaha, NE 68164

William Yates, 10029 State St, Omaha, NE 68122

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

SELECT FILE

LEGISLATIVE BILL 760. E & R amendment, AM7139, found on page 1879, was adopted.

Senator Beutler offered the following amendment:

FA1365

Strike Section 1.

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment:

AM2004

(Amendments to AM1946)

- 1 1. On page 1, line 6, after "shall" insert "only"; and
- 2 strike beginning with "It" in line 10 through the period in line
- 3 14.
- 4 2. On page 10, strike beginning with the first "the" in
- 5 line 14 through "including" in line 15.

The Beutler amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 760A. E & R amendment, AM7138, found on page 1879, was adopted.

Senator Brashear offered the following amendment:

AM1976

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$360,000
- 4 from the Supreme Court Education Fund for FY2003-04 and (2)

5 \$360,000 from the Supreme Court Education Fund for FY2004-05 to the
6 Supreme Court, for Program 52, to aid in carrying out the
7 provisions of Legislative Bill 760, Ninety-eighth Legislature,
8 First Session, 2003.

9 Sec. 2. There is hereby appropriated (1) \$270,000 from
10 the Dispute Resolution Cash Fund for FY2003-04 and (2) \$270,000
11 from the Dispute Resolution Cash Fund for FY2004-05 to the Supreme
12 Court, for Program 52, to aid in carrying out the provisions of
13 Legislative Bill 760, Ninety-eighth Legislature, First Session,
14 2003.

15 Sec. 3. The General Fund appropriation to the Supreme
16 Court, for Program 52, is reduced by \$300,000 for FY2003-04 and the
17 General Fund state aid earmark for FY2003-04 is reduced by
18 \$248,400. The General Fund appropriation to the Supreme Court for
19 Program 52, is reduced by \$75,000 for FY2004-05.

20 Sec. 4. There is hereby appropriated (1) \$748,788 from
21 the Commission on Public Advocacy Operations Cash Fund for
22 FY2003-04 and (2) \$765,535 from the Commission on Public Advocacy
23 Operations Cash Fund for FY2004-05 to the Commission on Public
24 Advocacy, for Program 425, to aid in carrying out the provisions of
1 Legislative Bill 760, Ninety-eighth Legislature, First Session,
2 2003.

3 Total expenditures for permanent and temporary salaries
4 and per diems from funds appropriated in this section shall not
5 exceed \$153,960 for FY2003-04 or \$157,040 for FY2004-05.

6 Sec. 5. The General Fund appropriation to the Commission
7 on Public Advocacy, for Program 425, is reduced by \$537,721 for
8 FY2003-04 and the General Fund appropriation to the Commission on
9 Public Advocacy, for Program 425, is reduced by \$554,468 for
10 FY2004-05.

11 Sec. 6. Since an emergency exists, this act takes effect
12 when passed and approved according to law."

The Brashear 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.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 320:
AM2003

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 "Sec. 2. Section 24-708, Revised Statutes Supplement,
3 2002, as amended by section 16, Legislative Bill 451, Ninety-eighth
4 Legislature, First Session, 2003, is amended to read:

5 24-708. (1) ~~Any~~ Except as provided in section 24-721, a
6 judge may retire upon reaching the age of sixty-five and upon

7 making application to the board. Upon retiring each such judge
8 shall receive retirement annuities as provided in section 24-710.

9 (2) Except as provided in section 24-721, a judge may
10 retire upon the attainment of age fifty-five and elect to receive a
11 reduced monthly retirement income in lieu of a deferred vested
12 annuity. The judge may request that the reduced monthly retirement
13 income commence at any date, beginning on the first day of the
14 month following the actual retirement date and ending on the normal
15 retirement date. The amount of the monthly retirement income shall
16 be calculated based on the length of creditable service and average
17 compensation at the actual retirement date and shall be reduced
18 when the payments commence prior to the normal retirement date to
19 an amount that is actuarially equivalent to the deferred vested
20 annuity payable at the normal retirement date.

21 (3) Payment of any benefit provided under the Judges
22 Retirement Act may not be deferred later than April 1 of the year
23 following the year in which the judge has both attained at least
1 age seventy and one-half years and terminated his or her employment
2 as a judge.

3 (4) The effective date of retirement payments shall be
4 the first day of the month following (a) the date a member
5 qualifies for retirement as provided in this section or (b) the
6 date upon which a member's request for retirement is received on an
7 application form provided by the retirement system, whichever is
8 later. An application may be filed no more than ninety days in
9 advance of qualifying for retirement.

10 (5) The board shall make reasonable efforts to locate the
11 member or the member's beneficiary and distribute benefits by the
12 required beginning date as specified by section 401(a)(9) of the
13 Internal Revenue Code and the regulations issued thereunder. If
14 the board is unable to make such a distribution, the benefit shall
15 be distributed pursuant to the Uniform Disposition of Unclaimed
16 Property Act and no amounts may be applied to increase the benefits
17 any member would otherwise receive under the Judges Retirement Act.

18 Sec. 3. Section 24-721, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 24-721. Any citizen of the State of Nebraska shall have
21 the right at all times to complain to the Commission on Judicial
22 Qualifications with reference to the acts, activities, or
23 qualifications of any Justice or judge of the Supreme Court or
24 judge of any of the courts of the State of Nebraska or to request
25 that the commission consider the qualifications of any Justice or
26 judge of the Supreme Court or judge of any of the courts of the
27 State of Nebraska. Upon receipt of any such complaint or request,
1 the commission shall make such investigation as it determines to be
2 necessary. The commission shall have the right to subpoena
3 witnesses; to hold hearings; to require the Justice or judge to
4 submit to physical or mental examination by medical experts; to
5 appoint special masters to conduct hearings; to make independent

6 investigations, either by members of the commission or by special
7 investigators employed by the commission; to hold confidential
8 prehearing proceedings with the person or persons filing the
9 complaint or request, or with his or her or their agents or
10 attorneys; and to hold confidential prehearing proceedings with the
11 judge or Justice involved in the complaint or request. If the
12 commission finds probable cause for the existence of any of the
13 grounds for disciplinary action or retirement specified in section
14 24-722, it shall privately reprimand the Justice or judge or order
15 a formal open hearing to be held before it concerning the
16 reprimand, discipline, censure, suspension, removal, or retirement
17 of such Justice or judge. A judge who receives official notice of
18 a complaint or request pursuant to this section shall not be
19 allowed to retire pursuant to the Judges Retirement Act until the
20 matter is resolved by the commission or the Supreme Court, if the
21 commission recommends action by the court. If a hearing is
22 ordered, the commission shall advise the judge or Justice involved,
23 in writing, of the specific charges which have been made and
24 supported, substantiated, or revealed by the independent
25 investigation of the commission. The judge or Justice shall be
26 given reasonable time in which to formally answer such charges in
27 writing and the matter shall then be set for formal open hearing,
1 at which time the commission shall cause the testimony and the
2 documentary evidence relating to the charges to be produced and
3 recorded in such manner as the commission shall determine to be
4 advisable, giving the judge or Justice involved and his or her
5 attorney a full opportunity to question and cross-examine the
6 witnesses and evidence so produced. The judge or Justice shall
7 have an opportunity to produce at such hearing, testimony,
8 evidence, and documents relating to the charges involved;
9 thereafter any rebuttal evidence may be produced. In the
10 alternative or in addition, the commission may request the Supreme
11 Court to appoint one or more special masters who shall be judges of
12 courts of record to hold a formal open hearing to take evidence in
13 any such matter, and to report to the commission. Whenever any
14 person shall refuse to testify or to produce books, papers, or
15 other evidence when required to do so in any hearing held before
16 the Commission on Judicial Qualifications or before a special
17 master or masters appointed under the provisions of this section
18 for the reason that the testimony or evidence required of him or
19 her may tend to incriminate him or her or subject him or her to a
20 forfeiture or penalty, he or she may nevertheless be compelled to
21 testify or produce such evidence by order of the Commission on
22 Judicial Qualifications or special master or masters on motion of
23 counsel to the commission. No person who testifies or produces
24 evidence in obedience to the command of the commission or special
25 master or masters in such case shall be liable to any forfeiture or
26 penalty for or on account of any transaction, matter, or thing
27 concerning or arising from that as to which he or she may so

1 testify or produce evidence, nor shall such testimony or evidence
2 be used directly or indirectly in any proceedings against him or
3 her, except that no person shall be exempt from prosecution and
4 punishment for perjury or contempt committed in so testifying. The
5 requirement to testify or produce evidence shall not apply when
6 such person proves the real and substantial danger of a prosecution
7 against him or her in another jurisdiction based on the admissions
8 to be made by him or her in this state. The commission or special
9 master or masters shall have power to punish for contempt for any
10 action specified in section 25-2121. If, after formal open
11 hearing, or after considering the record and report of the masters,
12 the commission finds that the charges are established by clear and
13 convincing evidence, it shall recommend to the Supreme Court that
14 the Justice or judge of the Supreme Court or other judge involved
15 shall be reprimanded, disciplined, censured, suspended without pay
16 for a definite period of time not to exceed six months, removed, or
17 retired as the case may be. All hearings before the commission and
18 all proceedings before masters and before the Supreme Court shall
19 be conducted in accordance with rules promulgated or to be
20 promulgated by the Supreme Court."

21 2. On page 1, strike beginning with "Judges" in line 1
22 through line 4 and insert "judges; to amend section 24-721, Reissue
23 Revised Statutes of Nebraska, section 24-703, Revised Statutes
24 Supplement, 2002, and section 24-708, Revised Statutes Supplement,
25 2002, as amended by section 16, Legislative Bill 451, Ninety-eighth
26 Legislature, First Session, 2003; to change provisions relating to
27 retirement eligibility, contributions, and fees; to repeal the
1 original sections; and to declare an emergency."

2 3. Renumber the remaining sections and correct the
3 repealer accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hill, Robert - Boiler Safety Code Advisory Board - Business and Labor

Hix, Thomas - Boiler Safety Code Advisory Board - Business and Labor

Yates, William - Boiler Safety Code Advisory Board - Business and Labor

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 209. E & R amendment, AM7089, found on page

958, was adopted.

Senator Synowiecki withdrew his pending amendment, AM0744, found on page 849.

Senator Chambers renewed his pending amendment, FA1201, found on page 937.

Senator Chambers withdrew his amendment.

Senator Chambers renewed his pending amendment, FA1202, found on page 937.

Senator Chambers withdrew his amendment.

Senator Chambers withdrew his pending amendment, FA1203, found on page 937.

Senator Bromm renewed his pending amendment, AM1346, found on page 1408.

The Bromm amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

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

Senator Bromm renewed his pending amendment, AM1499, found on page 1409.

The Bromm amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 608. E & R amendment, AM7090, printed separately and referred to on page 1075, was adopted.

Senator Bromm withdrew the Bromm-Mines pending amendment, AM0845, found on page 937.

Senator Landis withdrew his pending amendment, AM1076, found on page 1112.

Senator Thompson withdrew the Thompson-Synowiecki pending amendment, AM1145, found on page 1149.

Senator Beutler offered the following amendment:
(Amendment, AM1136, is on file and available in the Clerk's Office, Room

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2014.)

Senator Beutler withdrew his amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 95A. 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 95, Ninety-eighth Legislature, First Session, 2003.

LEGISLATIVE BILL 209A. 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 209, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

MOTION - Print in Journal

Senator Schimek filed the following motion:
Withdraw LR 132.

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.

Nebraska Board of Health
Pamela List

VOTE: Aye: Senators Jensen, Byars, Cunningham, Maxwell, Erdman, Johnson, and Stuthman. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 608. Senators Bromm, Jones, Landis, and Erdman offered the following amendment:
AM2005

(Amendments to E & R amendments, AM7090)

- 1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 77-27,187, Revised Statutes

4 Supplement, 2002, is amended to read:

5 77-27,187. Sections 77-27,187 to 77-27,195 and section 3

6 of this act shall be known and may be cited as the Employment

7 Expansion and Investment Incentive Act.

8 Sec. 2. Section 77-27,187.01, Revised Statutes

9 Supplement, 2002, is amended to read:

10 77-27,187.01. For purposes of the Employment Expansion

11 and Investment Incentive Act, unless the context otherwise

12 requires:

13 (1) Any term has the same meaning as used in the Nebraska
14 Revenue Act of 1967;

15 (2) Equivalent Nebraska employees means the number of
16 Nebraska employees computed by dividing the total hours paid in a
17 year to Nebraska employees by the product of forty times the number
18 of weeks in a year;

19 (3) Nebraska employee means an individual who is either a
20 resident or partial-year resident of Nebraska;

21 (4) Qualified employee leasing company means a company
22 which places all employees of a client-lessee on its payroll and
23 leases such employees to the client-lessee on an ongoing basis for
1 a fee and, by written agreement between the employee leasing
2 company and a client-lessee, grants to the client-lessee input into
3 the hiring and firing of the employees leased to the client-lessee;

4 (5) Related taxpayers includes any corporations that are
5 part of a unitary business under the Nebraska Revenue Act of 1967
6 but are not part of the same corporate taxpayer, any business
7 entities that are not corporations but which would be a part of the
8 unitary business if they were corporations, and any business
9 entities if at least fifty percent of such entities are owned by
10 the same persons or related taxpayers and family members as defined
11 in the ownership attribution rules of the Internal Revenue Code of
12 1986, as amended;

13 (6) Taxpayer means a corporate taxpayer or other person
14 subject to either an income tax imposed by the Nebraska Revenue Act
15 of 1967 or a franchise tax under Chapter 77, article 38, ~~or exempt~~
16 ~~from such taxes under section 521 of the Internal Revenue Code of~~
17 ~~1986, as amended~~, or a partnership, limited liability company, S
18 corporation, or joint venture when all of the partners,
19 shareholders, or members are subject to or exempt from such taxes;
20 and

21 (7) Year means the taxable year of the taxpayer.

22 Sec. 3. (1) For tax years beginning or deemed to begin
23 on or after January 1, 2004, under the Internal Revenue Code of
24 1986, as amended, in order to earn the incentives set forth in the
25 Employment Expansion and Investment Incentive Act, the taxpayer
26 shall file an application for an agreement with the Tax
27 Commissioner.

- 1 (2) The application shall contain:
2 (a) A written statement describing the full expected
3 employment and investment for a qualified business in this state;
4 (b) Sufficient documents, plans, and specifications as
5 required by the Tax Commissioner to support the plan and to define
6 a project;
7 (c) An application fee of five hundred dollars. The fee
8 shall be remitted to the State Treasurer for credit to the
9 Employment Expansion and Investment Incentive Fund, which fund is
10 hereby created. Any money in the fund available for investment
11 shall be invested by the state investment officer pursuant to the
12 Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act. The application and all supporting information
14 shall be confidential except for the name of the taxpayer, the
15 location of the project, the amounts of increased employment and
16 investment, and the maximum amount of credits that may be earned as
17 a result of the project.
18 (3) Once satisfied that the plan in the application
19 defines a project that meets the investment, employment, and wage
20 requirements and is located in an eligible county, and that these
21 requirements will be reached within the required time period, the
22 Tax Commissioner shall approve the application and authorize the
23 total amount of credits expected to be earned as a result of the
24 project. The Tax Commissioner shall not approve further
25 applications once the expected credits from the approved projects
26 total two million five hundred thousand dollars in each of fiscal
27 years 2004-05 and 2005-06 and three million dollars in fiscal year
1 2006-07 and each fiscal year thereafter. Four hundred dollars of
2 the application fee shall be refunded to the applicant if the
3 application is not approved because the expected credits from
4 approved projects exceed such amounts. Applications for benefits
5 shall be considered in the order in which they are received.
6 (4) After approval, the taxpayer and the Tax Commissioner
7 shall enter into a written agreement. The taxpayer shall agree to
8 complete the project, and the Tax Commissioner, on behalf of the
9 State of Nebraska, shall designate the approved plans of the
10 taxpayer as a project and, in consideration of the taxpayer's
11 agreement, agree to allow the taxpayer to use the incentives
12 contained in the Employment Expansion and Investment Incentive Act
13 up to the total amount that were authorized by the Tax Commissioner
14 at the time of approval. The application, and all supporting
15 documentation, to the extent approved, shall be considered a part
16 of the agreement. The agreement shall state:
17 (a) The levels of employment and investment required by
18 the act for the project;
19 (b) The time period under the act in which the required
20 level must be met;
21 (c) The documentation the taxpayer will need to supply
22 when claiming an incentive under the act;

23 (d) The date the application was filed; and

24 (e) The maximum amount of credits authorized.

25 Sec. 4. Section 77-27,188, Revised Statutes Supplement,
26 2002, is amended to read:

27 77-27,188. (1)~~(a)~~ A refundable credit against the taxes

1 imposed by the Nebraska Revenue Act of 1967 shall be allowed to any
2 taxpayer who has an approved application under the Employment
3 Expansion and Investment Incentive Act, who is engaged in a
4 qualifying business as described in section 77-27,189, and who
5 after the operative date of this section:

6 (a) Increases ~~increases~~ the employment and investment of
7 such business in ~~this state by two~~ any county in this state with a
8 population of less than twenty-five thousand inhabitants, according
9 to the most recent federal decennial census or in any designated
10 enterprise zone pursuant to 42 U.S.C. 11501 or the Enterprise Zone
11 Act;

12 (b) Increases employment by five new equivalent Nebraska
13 employees and who makes an increased investment in this state of at
14 least ~~seventy-five~~ two hundred fifty thousand dollars during a
15 taxable year prior to the end of the first taxable year after the
16 year in which the application was submitted; and

17 (c) Pays a minimum qualifying wage of eight dollars and
18 twenty-five cents per hour to the new equivalent Nebraska employees
19 for which tax credits are sought under the Employment Expansion and
20 Investment Incentive Act. The Department of Revenue shall adjust
21 the minimum qualifying wages required for applications filed after
22 January 1, 2004, and each January 1 thereafter, as follows: The
23 current rural Nebraska average weekly wage shall be divided by the
24 rural Nebraska average weekly wage for 2003; and the result shall
25 be multiplied by the eight dollars and twenty-five cents minimum
26 qualifying wage for 2003 and rounded to the nearest one cent. The
27 amount of increase or decrease in the minimum qualifying wages for
1 any year shall be the cumulative change in the rural Nebraska
2 average weekly wage since 2003. For purposes of this subsection,
3 rural Nebraska average weekly wage means the most recent average
4 weekly wage paid by all employers in all counties with a population
5 of less than twenty-five thousand inhabitants as reported by
6 October 1 by the Department of Labor.

7 (b) Any taxpayer who has been allowed a credit under
8 subdivision (1)(a) of this section during the preceding five
9 taxable years, not counting carryovers, shall be allowed a credit
10 for an increase in employment in this state by two new equivalent
11 Nebraska employees.

12 (2) Except as provided in subsection (3) of this section,
13 the The amount of the credit shall be one thousand five hundred
14 three thousand dollars for each new equivalent Nebraska employee
15 and one thousand two thousand seven hundred fifty dollars for each
16 seventy-five ~~fifty~~ thousand dollars of increased investment.

17 (3) For any taxpayer described in subdivision (1)(a) of

18 this section which is also located within the boundaries of an
19 enterprise zone as defined and designated by the Department of
20 Economic Development pursuant to the Enterprise Zone Act, the
21 amount of the credit shall be:

22 (a) Four thousand five hundred dollars for each new
23 equivalent Nebraska employee and three thousand dollars for each
24 seventy-five thousand dollars of increased investment if at least
25 fifty percent of the new equivalent Nebraska employees of the
26 taxpayer reside within the boundaries of the enterprise zone; or

27 (b) Four thousand five hundred dollars for each new
1 equivalent Nebraska employee residing within the boundaries of the
2 enterprise zone, one thousand five hundred dollars for each new
3 equivalent Nebraska employee not residing within the boundaries of
4 the enterprise zone, and one thousand dollars for each seventy-five
5 thousand dollars of increased investment if less than fifty percent
6 of the new equivalent Nebraska employees of the taxpayer reside
7 within the boundaries of the enterprise zone.

8 The credit allowed to a taxpayer pursuant to this
9 subsection shall not exceed seventy-five thousand dollars in any
10 one tax year.

11 For purposes of this subdivision, employees residing
12 within the boundaries of an enterprise zone shall be construed to
13 mean employees residing within a county in which an enterprise zone
14 is located when the enterprise zone is not located in a city of the
15 primary or metropolitan class.

16 For purposes of this subdivision, an employee residing
17 within the enterprise zone shall mean an individual who is
18 domiciled within the enterprise zone for the entire pay period.

19 (4) The credit shall be applied as provided in section
20 77-27,188.01.

21 (5) Any taxpayer who has qualified for a credit in the
22 amount set out in subsection (3) of this section may elect to
23 receive either the amount as calculated pursuant to subsection (2)
24 or (3) of this section.

25 (6) An employee of a qualified employee leasing company
26 shall be considered to be an employee of the client-lessee for
27 purposes of this section if the employee performs services for the
1 client-lessee. A qualified employee leasing company shall provide
2 the Department of Revenue access to the records of employees leased
3 to the client-lessee.

4 (4) The credit shall not exceed the amounts set out in
5 the application and approved by the Tax Commissioner.

6 (5)(a) If a taxpayer who receives tax credits creates
7 fewer jobs or less investment than approved in the project
8 agreement, the taxpayer shall repay the tax credits as provided in
9 this subsection.

10 (b) If less than seventy-five percent of the proposed
11 jobs in the project agreement are created, one hundred percent of
12 the job creation tax credits shall be repaid. If seventy-five

13 percent or more of the proposed jobs in the project agreement are
14 created, no repayment of the job creation tax credits is necessary.

15 (c) If less than seventy-five percent of the proposed
16 investment in the project agreement is created, one hundred percent
17 of the investment tax credits shall be repaid. If seventy-five
18 percent or more of the proposed investment in the project agreement
19 is created, no payment of the investment tax credits is necessary.

20 Sec. 5. Section 77-27,188.01, Reissue Revised Statutes
21 of Nebraska, is amended to read:

22 77-27,188.01. (1) The credit allowed under section
23 77-27,188 may be used to obtain a refund of state sales and use
24 taxes paid or against the income tax liability of the taxpayer or
25 may be used as a refundable credit claimed on an income tax return
26 of the taxpayer. The return need not reflect any income tax
27 liability owed by the taxpayer.

1 (2) A claim for the credit may be filed quarterly for
2 refund of the state sales and use taxes paid, either directly or
3 indirectly, after the filing of the income tax return for the
4 taxable year in which the credit was first allowed.

5 (3) The credit may be used to obtain a refund of state
6 sales and use taxes paid before the end of the taxable year for
7 which the credit was allowed, except that the amount refunded under
8 this subsection shall not exceed the amount of the state sales and
9 use taxes paid, either directly or indirectly, by the taxpayer on
10 the qualifying investment.

11 (4) For purposes of subsections (2) and (3) of this
12 section, the taxpayer shall be deemed to have paid indirectly any
13 state sales or use taxes paid by a contractor on property annexed
14 to an improvement to real estate built for the taxpayer. The
15 contractor shall certify to the taxpayer the amount of the Nebraska
16 state sales and use taxes paid on the materials, or the taxpayer,
17 with the permission of the Tax Commissioner and a certification
18 from the contractor that Nebraska state sales and use taxes were
19 paid on all materials, may presume that fifty percent of the cost
20 of the improvement was for materials annexed to real estate on
21 which the tax was paid.

22 ~~(5)(a) The credit shall be a nonrefundable credit when~~
23 ~~used against the income tax liability of the taxpayer. The credit~~
24 ~~shall be applied before any refundable credits are applied. Except~~
25 ~~as provided in subdivision (b) of this subsection, the amount of~~
26 ~~the credit that may be used in any taxable year shall not exceed~~
27 ~~fifty percent of the income tax liability of the taxpayer reduced~~
1 ~~by all other nonrefundable credits except the credits prescribed in~~
2 ~~section 77-4105.~~

3 (b) For any taxpayer receiving credit in an amount
4 calculated pursuant to subsection (3) of section 77-27,188, the
5 amount of the credit that may be used in any taxable year shall not
6 exceed the amount of the income tax liability of the taxpayer
7 reduced by all other nonrefundable credits except the credits

8 prescribed in section 77-4105.

9 ~~(6) The credit that is not used against liabilities~~
10 ~~incurred in the taxable year in which such credit was first~~
11 ~~allowable may be carried over and used against the liabilities~~
12 ~~incurred in the five immediately succeeding taxable years. The~~
13 ~~credits carried over shall be used in the order in which they were~~
14 ~~first allowed and before any additional credit allowable in a~~
15 ~~current taxable year may be used.~~

16 ~~(5) (7) No claim for refund of sales and use taxes under~~
17 ~~this section may be filed prior to January 1, 1989.~~

18 ~~(6) (8) Credits distributed to a partner, limited~~
19 ~~liability company member, shareholder, or beneficiary under section~~
20 ~~77-27,194 may only be used against the income tax liability of the~~
21 ~~partner, member, shareholder, or beneficiary receiving the credits.~~

22 Sec. 6. Section 77-27,188.02, Revised Statutes

23 Supplement, 2002, is amended to read:

24 77-27,188.02. If the taxpayer does not maintain the
25 ~~minimum~~ increases in the level of investment and employment
26 ~~required~~ described in section 77-27,188 to create a credit for at
27 least ~~two~~ three years after the year for which the credit was first
1 allowed:

2 ~~(1) The taxpayer shall lose one-third of the amount~~
3 ~~of all used and unused credits. The for each year that the~~
4 ~~taxpayer has not maintained the required level of investment and~~
5 ~~employment; and~~

6 ~~(2) During the subsequent two years, the taxpayer shall~~
7 ~~repay to the state one-third of the amount of the credit used for~~
8 ~~each year that the taxpayer has not maintained the required level~~
9 ~~of investment and employment used credits within one year after the~~
10 ~~failure to maintain such investment and employment.~~

11 Sec. 7. Section 77-27,189, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 77-27,189. (1) A qualified business means any business
14 engaged in the storage, warehousing, distribution, transportation,
15 or sale of tangible personal property or in any of the following
16 activities:

17 (a) The conducting of research, development, or testing
18 for scientific, agricultural, animal husbandry, food product, or
19 industrial purposes;

20 (b) The performance of data processing,
21 telecommunication, insurance, or financial services. For purposes
22 of this subdivision, financial services shall only include
23 financial services provided by any financial institution subject to
24 tax under Chapter 77, article 38, or any person or entity licensed
25 by the Department of Banking and Finance or the Securities and
26 Exchange Commission;

27 (c) The assembly, fabrication, manufacture, or processing
1 of tangible personal property;

2 (d) The administrative management of any activities,

3 including headquarter facilities relating to such activities; or

4 (e) Any combination of the activities listed in this

5 subsection.

6 (2) Qualified business does not include:

7 (a) Any business activity in which eighty percent or more

8 of the total sales are sales to the ultimate consumer of food

9 prepared for immediate consumption or are sales to the ultimate

10 consumer of tangible personal property which is not (a) assembled,

11 fabricated, manufactured, or processed by the taxpayer or (b) used

12 by the purchaser in any of the activities listed in subsection (1)

13 of this section; and

14 (b) Any casino. (1) A qualifying business shall mean any

15 business engaged in the activities listed in subdivisions (1)(b)(i)

16 through (vii) of this section or in the storage, warehousing,

17 distribution, transportation, or sale of tangible personal

18 property, except that qualifying business shall not include any

19 business activity in which eighty percent or more of the total

20 sales are sales to the ultimate consumer of tangible personal

21 property which is not (a) assembled, fabricated, manufactured, or

22 processed by the taxpayer or (b) used by the purchaser in any of

23 the following activities:

24 (i) The assembly, fabrication, manufacture, or processing

25 of tangible personal property;

26 (ii) The feeding or raising of livestock;

27 (iii) The conducting of research, development, or testing

1 for scientific, agricultural, animal husbandry, or industrial

2 purposes;

3 (iv) The performance of data processing,

4 telecommunication, insurance, or financial services;

5 (v) Farming or ranching;

6 (vi) The administrative management or the headquarters of

7 any of the activities listed in subdivisions (i) through (vii) of

8 this subdivision or any activity excluded solely because of its

9 retail sales; or

10 (vii) Any combination of the activities listed in this

11 section.

12 (2) A qualifying business shall also mean any individual

13 or association of individuals (a) licensed pursuant to the Uniform

14 Licensing Law to practice medicine and surgery or osteopathic

15 medicine and surgery, (b) who practice from an office located in an

16 enterprise zone designated pursuant to the Enterprise Zone Act,

17 which zone is not located within the boundaries of a city of the

18 metropolitan or primary class, and (c) whose area of practice is in

19 the primary care areas of family practice, general practice,

20 general internal medicine, general pediatrics, general surgery, or

21 obstetrics and gynecology.

22 Sec. 8. Section 77-27,190, Revised Statutes Supplement,

23 2002, is amended to read:

24 77-27,190. (1) A taxpayer shall be deemed to have a new

25 equivalent Nebraska ~~employee~~ employees when the ~~number of new~~
26 equivalent Nebraska employees hired during a taxable year ~~exceeds~~
27 ~~the number of equivalent Nebraska employees during each of the~~
1 ~~three preceding taxable years are in addition to the number of~~
2 ~~total equivalent employees in the taxable year preceding the date~~
3 ~~of application.~~

4 (2) Qualifying business employees who work within and
5 without this state shall be considered only to the extent they are
6 paid for work performed within this state.

7 (3) The hours worked by any person considered an
8 independent contractor or the employee of another taxpayer shall
9 not be used in the computation under this section.

10 Sec. 9. Section 77-27,191, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 77-27,191. (1) A taxpayer shall be deemed to have made
13 an increased investment in this state to the extent the value of
14 the property used or available for use ~~on the last day of the~~
15 ~~taxable year exceeds (a) the value of all property used or~~
16 ~~available for use on the first last day of the taxable year~~
17 ~~previous to the date the application was filed. or (b) the average~~
18 ~~investment in this state during each of the three preceding taxable~~
19 ~~years, whichever is greater.~~

20 (2) ~~The average investment in this state shall be the~~
21 ~~average of the value of all property used or available for use on~~
22 ~~the first day of the taxable year and the last day of the taxable~~
23 ~~year.~~

24 (2) ~~(3)~~ To determine the value of property owned by the
25 taxpayer, the tax basis before allowance for depreciation shall be
26 used. To determine the value of property rented by the taxpayer,
27 the annual rent of the property shall be multiplied by eight.

1 (3) ~~(4)~~ Only investment in improvements to real property
2 and tangible personal property that are depreciable under the
3 Internal Revenue Code shall be considered.

4 (4) ~~(5)~~ Vehicles, planes, or railroad rolling stock shall
5 be excluded in determining the investment or average investment
6 under this section.

7 (6) ~~For taxable years 1987 and 1988 only, taxpayers~~
8 ~~claiming credits under section 77-27,188 shall qualify for credits~~
9 ~~to the extent allowed either under the provisions of this section~~
10 ~~as it existed after the passage of Laws 1987, LB 270, or as amended~~
11 ~~by Legislative Bill 335, Ninety-first Legislature, First Session,~~
12 ~~1989.~~

13 Sec. 10. Section 77-27,194, Revised Statutes Supplement,
14 2002, is amended to read:

15 77-27,194. The credit allowed under the Employment
16 Expansion and Investment Incentive Act shall not be transferable;
17 except in the following situations:

18 (1) Any credit allowable to a partnership, a limited
19 liability company, a subchapter S corporation, or an estate or

20 trust may be distributed to the partners, limited liability company
21 members, shareholders, or beneficiaries. Any credit distributed
22 shall be distributed in the same manner as income is distributed.
23 A credit distributed shall be considered a credit used and the
24 partnership, limited liability company, subchapter S corporation,
25 estate, or trust shall be liable for any repayment under section
26 77-27,188.02; and

27 (2) The incentives previously allowed and the future
1 allowance of incentives may be transferred when a project covered
2 by an agreement is transferred by sale or lease to another taxpayer
3 or in an acquisition of assets qualifying under section 381 of the
4 Internal Revenue Code of 1986;

5 (3) The acquiring taxpayer, as of the date of
6 notification of the Tax Commissioner of the completed transfer,
7 shall be entitled to any unused credits and to any future
8 incentives allowable under the act;

9 (4) The acquiring taxpayer shall be liable for any
10 repayment that becomes due after the date of the transfer for the
11 repayment of any benefits received either before or after the
12 transfer; and

13 (5) (2) If a taxpayer operating a qualifying business and
14 allowed a credit under section 77-27,188 dies and there is credit
15 remaining after the filing of the final return for the taxpayer,
16 the personal representative shall determine the distribution of the
17 credit or any remaining carryover with the initial fiduciary return
18 filed for the estate. The determination of the distribution of
19 credit may be changed only after obtaining the permission of the
20 Tax Commissioner.

21 Sec. 11. Section 77-27,195, Revised Statutes Supplement,
22 2002, is amended to read:

23 77-27,195. (4) The Tax Commissioner shall prepare a
24 report identifying the amount of investment in this state and the
25 number of equivalent jobs created by each taxpayer claiming a
26 credit pursuant to the Employment Expansion and Investment
27 Incentive Act. The report shall include the amount of credits

1 claimed in the aggregate. The report shall be issued on or before
2 March 15 of each year beginning with March 15, 1988, for all
3 credits allowed during the previous calendar year.

4 (2) In the report for any year in which a taxpayer
5 located in an enterprise zone designated pursuant to the Enterprise
6 Zone Act claimed a credit pursuant to subsection (3) of section
7 77-27,188, the Tax Commissioner shall identify (a) the amount of
8 investment made in each enterprise zone by all taxpayers claiming
9 credits, (b) the number of jobs created in each enterprise zone by
10 all taxpayers claiming credits, (c) the number of jobs created in
11 each enterprise zone by all taxpayers claiming credits held by
12 residents of the enterprise zone, and (d) the average wage on an
13 hourly basis or the average annual salary of new jobs created in
14 each enterprise zone by all taxpayers claiming credits.

15 Sec. 12. This act become operative on January 1, 2004.
16 Sec. 13. Original sections 77-27,188.01, 77-27,189,
17 77-27,191, Reissue Revised Statutes of Nebraska, and sections
18 77-27,187 to 77-27,188, 77-27,188.02, 77-27,190, 77-27,194, and
19 77-27,195, Revised Statutes Supplement, 2002, are repealed.
20 Sec. 14. The following sections are outright repealed:
21 Section 13-2113, Reissue Revised Statutes of Nebraska and section
22 77-27,193, Revised Statutes Supplement, 2002."

Senators Smith and D. Pederson offered the following amendment to the
Bromm et al. pending amendment:

AM2006

(Amendments to AM2005)

- 1 1. On page 3, line 20, before the comma insert "or
2 city".
- 3 2. On page 5, line 8, strike the comma; in line 9 before
4 "or" insert ", in any city in this state with a population of less
5 than fifteen thousand inhabitants located within a county with a
6 population of less than fifty-five thousand inhabitants according
7 to the most recent federal decennial census,".

SENATOR SCHIMEK PRESIDING

Senator Beutler asked unanimous consent to bracket LB 608 until May 20, 2003. No objections. So ordered.

LEGISLATIVE BILL 598. E & R amendment, AM7137, found on page 1691, was adopted.

SENATOR CUDABACK PRESIDING

Senator Combs asked unanimous consent to be excused. No objections. So ordered.

Senator Engel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

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

Voting in the affirmative, 30:

Aguilar	Chambers	Janssen	Mossey	Schimek
Baker	Cunningham	Jensen	Pedersen, Dw.	Stuhr
Brashear	Engel	Johnson	Pederson, D.	Stuthman
Bromm	Foley	Jones	Preister	Synowiecki
Brown	Hartnett	Kremer	Price	Tyson
Byars	Hudkins	Mines	Raikes	Vrtiska

Voting in the negative, 8:

Burling	Friend	Louden	Smith
Erdman	Landis	Schrock	Wehrbein

Present and not voting, 8:

Beutler	Cudaback	Maxwell	Quandahl
Bourne	Kruse	McDonald	Thompson

Excused and not voting, 3:

Combs	Connealy	Redfield

Advanced to E & R for engrossment with 30 ayes, 8 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Burling and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 439. Senator Hudkins withdrew her pending amendment, AM1401, found on page 1321.

Senator Beutler asked unanimous consent to withdraw the Beutler et al. pending amendment, AM1384, printed separately and referred to on page 1304 and considered on page 1321, and replace it with his substitute amendment, AM1971. No objections. So ordered.

(Amendment, AM1971, is on file and available in the Clerk's Office, Room 2014.)

Senator Hudkins offered the following amendment to the Beutler pending amendment:

AM2008

(Amendments to AM1971)

- 1 1. Insert the following new sections:
- 2 "Sec. 16. Section 81-1101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 81-1101. The purposes of sections 11-119, 81-106,
5 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and 84-304 and
6 section 34 of this act are to:

7 (1) Provide for the development and maintenance of a
8 modern system of budgetary, inventory, and financial accounting;

9 (2) Provide for development and maintenance of such
10 modern and economical methods and systems for record keeping,
11 accounting, expenditure planning and control as may be possible
12 through timely adoption of modern technological developments;

13 (3) Provide for centralized direction of services and
14 service agencies;

15 (4) Assure the development and operation of
16 organizational and procedural innovations as may be expected to
17 provide acceptable internal control of the handling and processing
18 of public funds; and

19 (5) Focus responsibility for execution of the financial
20 policies of this state on the chief executive and provide
21 assistants having the necessary technical skills for the
22 achievement of that end.

23 Sec. 17. Section 81-1102, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 81-1102. For purposes of sections 11-119, 81-106,
3 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and 84-304 and
4 section 34 of this act, unless the context otherwise requires:

5 (1) Gender with reference to the masculine or feminine
6 gender shall be construed to apply to either or both genders;

7 (2) Executive budget shall mean the budget proposed by
8 the Governor to the Legislature as the basis of appropriations for
9 the operation of and capital outlay by state government during the
10 period covered by such budget;

11 (3) Approved budget shall mean the executive or
12 Governor's budget as modified by appropriations actions of the
13 Legislature;

14 (4) Budgetary allotments shall mean the plan of
15 expenditures, by program, subprogram, activity, or object of
16 expenditure under the approved budget for monthly or other
17 applicable periods of time within each fiscal year, to which a
18 department or agency may be held during such period of time within
19 the fiscal year;

20 (5) Accrual system shall mean the recording of revenue
21 when earned and the recording of expenditures as soon as they
22 result in liabilities, notwithstanding the fact that the receipt of
23 the revenue or payment of the expenditure may take place, in whole
24 or in part, in another accounting period;

25 (6) Double entry system shall mean a system of
26 bookkeeping which requires for every entry made to the debit side
27 of an account or accounts an entry for a corresponding amount or
1 amounts to the credit side of another account or accounts resulting
2 in a self-balancing accounting system;

- 3 (7) Disbursement shall mean payment from the state
4 treasury;
- 5 (8) Expenditure shall mean, when an accrual system has
6 been established, total liability incurred by contract, purchase
7 order, or payroll commitments or as otherwise provided by law,
8 whether or not related disbursement has been made from the state
9 treasury, and shall mean, until an accrual system has been
10 established, disbursements from the state treasury;
- 11 (9) Revenue shall mean, when an accrual system has been
12 established, additions to assets which do not increase any
13 liability or represent the recovery of an expenditure or
14 disbursement or any part thereof or the cancellation of liabilities
15 without a corresponding increase in other liabilities or a decrease
16 in assets. Until an accrual system has been established, this term
17 shall mean additions to cash in the state treasury or for deposit
18 in the state treasury only;
- 19 (10) Receipts shall mean cash received, unless otherwise
20 qualified;
- 21 (11) Budgetary accounting shall mean a system of accounts
22 designed to reflect budget operations and conditions such as
23 estimated revenue, appropriations, and encumbrances as distinct
24 from proprietary accounts designed to show the status of the
25 assets, liabilities, and surplus of the state and its departments
26 and agencies;
- 27 (12) Encumbrances shall mean charges to appropriation
1 accounts to reflect obligations for which a part of the
2 appropriation is reserved and which shall cease to be encumbrances
3 when paid or when an actual liability is established in a
4 proprietary account;
- 5 (13) Financing agreement shall mean any bond,
6 lease-purchase obligation, installment sales contract, or similar
7 financial arrangement, for a period greater than one year, which is
8 entered into by the state or any agency, board, or commission
9 thereof, not including the University of Nebraska or state
10 colleges, in accordance with the Constitution of Nebraska and
11 statutes of this state, relating to capital construction, real
12 property acquisition, and personal property acquisition;
- 13 (14) Proprietary account shall mean those accounts
14 designed to show actual financial position and operations such as
15 actual assets, liabilities, surplus, revenue, and expenditures, as
16 distinguished from budgetary accounts;
- 17 (15) Program shall mean a major operation of the state
18 government directed toward the achievement of a definite legal
19 objective and which, in most instances, could be carried on
20 independently of other major operations of the state as defined and
21 described in the accounting and budgeting manuals on file in the
22 office of the Director of Administrative Services;
- 23 (16) Subprogram shall mean one or more operations of a
24 department or agency of the state designed jointly to accomplish a

25 major program objective as defined in the accounting and budgeting
26 manuals on file in the office of the Director of Administrative
27 Services;

1 (17) Activity shall mean one or more operations of a
2 department or agency of the state designed jointly to accomplish
3 the objective of a subprogram to which it is related as defined in
4 the accounting and budgeting manual on file in the office of the
5 Director of Administrative Services;

6 (18) Staffing pattern shall mean the number of positions
7 in each class and the specific classes of positions as may be
8 authorized for each department or agency for such department or
9 agency programs, subprograms, and activities;

10 (19) Approved project shall mean any acquisition of land
11 or buildings, any construction or major remodeling of new or newly
12 acquired buildings or structures or of existing state-owned
13 buildings or structures, excluding state highways or state roads or
14 aeronautical projects, or any additions to buildings or structures
15 of land owned by the state or its departments or agencies for which
16 an appropriation or other act of the Legislature makes provision;

17 (20) Machine time shall mean the hours or fractions
18 thereof of operation of each component of a machine data processing
19 system together with the hours or fractions thereof of machine
20 operator time for each such component devoted to the production of
21 a report or tabulation or the processing of data necessary to such
22 production and shall also include a proportional reflection of the
23 hours or fractions thereof of supervisory time so that all costs of
24 operation of the information management services division may be
25 reflected in billings to benefiting departments or agencies;

26 (21) Budget request shall mean the complete recitation,
27 on forms prescribed by the budget division and in the manner
1 prescribed by such division, of the operating and construction
2 funds requests of a department or agency for the biennium next
3 following the then current biennium;

4 (22) Department shall mean the Department of
5 Administrative Services; and

6 (23) Director shall mean the Director of Administrative
7 Services.

8 Sec. 19. Section 81-1108, Revised Statutes Supplement,
9 2002, is amended to read:

10 81-1108. The Department of Administrative Services shall
11 fulfill the functions in the administration of state government of
12 fiscal control, of centralizing services, of personnel services,
13 and of risk management. There shall be separate divisions within
14 the department to assist in fulfilling these functions. The
15 divisions shall be the accounting division and the budget division
16 in the area of fiscal control, the information management services
17 division, materiel division, state building division, and division
18 of communications in the area of centralized services, the
19 personnel division and the Division of Employee Relations in the

20 area of personnel services, and the risk management and state
21 claims division in the area of risk management. The Director of
22 Administrative Services shall appoint a separate administrator as
23 head of each division other than the Division of Employee
24 Relations. The director shall have the responsibility and
25 authority for directing and coordinating the programs and
26 activities of the several divisions and shall be empowered to
27 remove the administrators of any of the several divisions other
1 than the Chief Negotiator at his or her discretion. The director
2 shall have the power to delegate authority for administration of
3 sections 81-1101 to 81-1189 and 81-1301 to 81-1391 and section 34
4 of this act and the Risk Management Program to any of the division
5 heads as he or she may deem appropriate except as otherwise
6 provided by law.

7 Sec. 24. Section 81-1108.22, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-1108.22. (1) The division shall have the
10 responsibility of providing office space in leased and state-owned
11 buildings in the proximity of the State Capitol and in other
12 locations.

13 (2) When any board, agency, commission, or department of
14 the state government not otherwise specifically authorized by law
15 desires to use funds available for the purpose of renting office
16 space outside of the State Capitol, it shall submit a request to
17 the Director of Administrative Services accompanied by a
18 certificate from the Committee on Building Maintenance that there
19 is no state-owned property which is adequate or which through
20 cost-effective renovation, as determined by the division, could be
21 made adequate to meet the needs of the board, agency, commission,
22 or department. If the director approves the lease, the terms and
23 location shall be approved by the director and the administrator in
24 writing and the leases shall be entered into and administered by
25 the administrator on behalf of the board, agency, commission, or
26 department. A copy of all such lease contracts shall be kept on
27 file by the state building division and shall be open to inspection
1 by the Legislature and the public during normal business hours.

2 (3) The administrator shall develop a system of charges
3 to cover basic rental, maintenance, renovations, and operation of
4 such leased and owned properties. The charges to state agencies,
5 boards, commissions, or departments of state government shall be
6 paid from funds available for the purpose of renting space on a
7 regular basis and placed, as applicable, in the State Building
8 Revolving Fund, ~~which fund is hereby created,~~ and the State
9 Building Renewal Assessment Fund. The administrator shall make
10 payments for basic rentals, renovations, and maintenance and
11 operational costs of all leased and owned buildings from the State
12 Building Revolving Fund, except for expenses relating to security
13 as provided by the Nebraska State Patrol on state-owned or leased
14 buildings and grounds in Lincoln, Nebraska.

15 (4) The charges for such leased and owned properties
16 shall only be adjusted by the administrator on July 1. Prior to
17 any adjustment in the system of charges, the Department of
18 Administrative Services, on or before December 1 of the year
19 preceding the effective date of such adjustment, shall provide
20 written notification to the Committee on Building Maintenance, the
21 Clerk of the Legislature, and the Legislative Fiscal Analyst of the
22 proposed adjustment to the system of charges.

23 (5) Commencing on April 18, 1992, all leases of real
24 property entered into by any state agency, board, commission, or
25 department shall be subject to this section. Leases held by a
26 state agency, board, commission, or department on such date shall
27 be valid until the lease contract is terminated or is subject to
1 renewal. The division shall monitor all such leases and determine
2 when the lease is subject to renewal. Once the determination is
3 made, the division shall cancel the lease as of the renewal date
4 and shall treat the need of the agency, board, commission, or
5 department as an original request for space and subject to this
6 section. This subsection shall not apply to (a) state-owned
7 facilities to be rented to state agencies or other parties by the
8 University of Nebraska, the Nebraska state colleges, the Department
9 of Aeronautics, the Department of Roads, and the Board of
10 Educational Lands and Funds, (b) facilities to be leased for use by
11 the University of Nebraska, the Nebraska state colleges, and the
12 Board of Educational Lands and Funds, (c) facilities to be leased
13 for nonoffice use by the Department of Roads, or (d) facilities
14 controlled by the State Department of Education, which were
15 formerly controlled by the Nebraska School for the Visually
16 Handicapped, to be rented to state agencies or other parties by the
17 department.

18 Sec. 33. Section 81-1109, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-1109. The Director of Administrative Services shall
21 be responsible to the Governor for provision of technical
22 assistance, advice, and information concerning the financial and
23 administrative operations of all agencies of the state, for
24 provision of technical assistance and advice on the preparation of
25 the Governor's budget, otherwise referred to in sections 11-119,
26 81-106, 81-1101 to 81-1118, 81-1121, 81-1170.01, 81-1170.02, and
27 84-304 and section 34 of this act as the executive budget, and for
1 administration of the approved budget within the limits of
2 appropriations provided except as otherwise provided by law. He or
3 she shall be responsible to the Governor for the provision of
4 current reports of the financial condition of the state and each of
5 its departments and agencies and for the provision of timely
6 recommendations for dealing with financial, management, and
7 organizational problems affecting the administration of the
8 business of the state and its departments and agencies.

9 Sec. 34. The State Building Revolving Fund is created.

10 The fund shall be administered by the State Building Administrator.
11 The fund shall consist of rental charges and other receipts
12 collected pursuant to contractual agreements between the state
13 building division and other entities as authorized by law. The
14 fund shall be used to support the operations of the state building
15 division as provided by law. That portion of rental revenue
16 collected from state-owned or leased buildings and grounds in
17 Lincoln, Nebraska, relating to security assessments shall be
18 administratively transferred from the State Building Revolving Fund
19 to the Nebraska State Patrol Cash Fund on a periodic basis. Any
20 money in the State Building Revolving Fund available for investment
21 shall be invested by the state investment officer pursuant to the
22 Nebraska Capital Expansion Act and the Nebraska State Fund
23 Investment Act.

24 Sec. 36. Sections 16, 17, 19, 24, 33, 34, and 38 of this
25 act become operative on July 1, 2003. The other sections of this
26 act become operative on their effective date.

27 Sec. 38. Original sections 81-1101, 81-1102, 81-1108.22,
1 and 81-1109, Reissue Revised Statutes of Nebraska, and section
2 81-1108, Revised Statutes Supplement, 2002, are repealed."

3 2. On page 33, line 17, strike "To" and insert "The
4 Nebraska State Patrol shall".

5 3. Renumber the remaining sections and correct internal
6 references accordingly.

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

SPEAKER BROMM PRESIDING

Senator Hudkins moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Hudkins amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Friend and Raikes asked unanimous consent to be excused. 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.

The Beutler amendment, as amended, was adopted with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Hudkins withdrew her pending amendment, AM1106, found on page 1205.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 439A. Senator Hudkins asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 19. Senator Brashear renewed his pending amendment, AM1527, found on page 1574.

The Brashear 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.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 48. Senator Brashear asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 187. E & R amendment, AM7037, found on page 545, was adopted.

Senator Baker offered the following amendment:
(Amendment, AM1981, is on file and available in the Clerk's Office, Room 2014.)

Senator Baker moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Baker amendment was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 101. Senator Beutler renewed his pending amendment, AM0372, found on page 565.

The Beutler amendment was adopted with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 574:
AM2002

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 41. Sections 21 and 42 of this act become
- 3 operative on July 1, 2003. The other sections of this act become
- 4 operative on their effective date.
- 5 Sec. 42. Original section 9-812, Revised Statutes
- 6 Supplement, 2002, as amended by section 1, Legislative Bill 367,
- 7 Ninety-eighth Legislature, First Session, 2003, is repealed."
- 8 2. On page 2, line 3, after the last semicolon, insert
- 9 "to provide operative dates;"
- 10 3. On page 42, line 25, after the first comma insert
- 11 "and"; and strike beginning with "and" in line 27 through line 28.
- 12 4. On page 43, strike line 1 and insert "are".
- 13 5. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 608:
AM2014

(Amendments to AM2005)

- 1 1. On page 3, line 15, after the comma insert "and"; and
- 2 strike beginning with the comma in line 16 through "project" in
- 3 line 17; and in line 20 before the comma insert "or enterprise
- 4 zone".
- 5 2. On page 10, after line 21 insert the following new
- 6 subsection:
- 7 "(7) For taxpayers who met the job and investment
- 8 thresholds of the Employment Expansion and Investment Incentive Act
- 9 for a tax year beginning before January 1, 2004, subsection (6) of
- 10 this section and subdivision (1)(b) of section 77-27,188, as such
- 11 section existed immediately prior to such date, shall continue to
- 12 apply to such taxpayer. The changes made by this Legislative bill
- 13 shall not preclude a taxpayer from receiving the tax incentives
- 14 earned prior to January 1, 2004.".

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 643. No objections. So ordered.

VISITORS

Visitors to the Chamber were 29 sixth-grade students and teachers from St. Isidore School, Columbus.

ADJOURNMENT

At 7:17 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Tuesday, May 20, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 20, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 20, 2003

PRAYER

The prayer was offered by Senator Kruse.

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 Brashear who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 43. Placed on Select File as amended.

(E & R amendment, AM7143, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 73. Placed on Select File as amended.

(E & R amendment, AM7141, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 73A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 626A. Introduced by Preister, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 626, Ninety-eighth Legislature, First Session, 2003.

SPEAKER BROMM 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 402 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 402. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 543, sections 133 and 265; Laws 2002, LB 1309, section 164; and Laws 2002, Second Special Session, LB 2, sections 11, 32, 35, 42, 56, 57, 76, 81, 83, 87, 92, 118, 121, 126, 128, and 133; to define terms; to change certain appropriations as prescribed; to provide for 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 403 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 403. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 81-829.42, 81-829.58, 81-829.59, and 81-829.72, Reissue Revised Statutes of Nebraska, and sections 72-815 and 72-816, Revised Statutes Supplement, 2002; to provide for the sale of certain state property as prescribed; to provide for the disposition of proceeds; to create funds; to change provisions relating to the sale of state property; to establish the Governor's Emergency Program; to delete obsolete provisions; 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	Combs	Janssen	Mossey	Smith
Baker	Connealy	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Louden

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 bills were read and put upon final passage:

LEGISLATIVE BILL 403A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 403, Ninety-eighth Legislature, First Session, 2003; 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	Conneally	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Brown	Friend	Maxwell	Redfield	Wehrbein
Burling	Hartnett	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Byars Hudkins

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 404. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2003-04 and FY2004-05; to define terms; to provide an operative date; 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

ANNOUNCEMENT

The Chair announced that Sunday, May 18, was Senator Engel's birthday.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 405. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2003-04 and FY2004-05; to provide an operative date; 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 406 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 406. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; 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	Combs	Janssen	Mines	Smith
Baker	Connealy	Jensen	Mossey	Stuhr
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Pederson, D.	Synowiecki
Brashear	Engel	Kremer	Preister	Thompson
Bromm	Erdman	Kruse	Price	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Louden	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

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 407 to Select File

Senator Schimek moved to return LB 407 to Select File for the following specific amendment:

FA1383

Strike the enacting clause.

Senator Schimek withdrew her motion to return.

Senator Chambers moved to return LB 407 to Select File for the following specific amendment:

FA1384

Strike the enacting clause.

Senator Chambers 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 407 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 407. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2005; to transfer funds; to provide duties; to provide for a task force; to provide an operative date; 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, 37:

Aguilar	Chambers	Janssen	Mines	Stuthman
Baker	Combs	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Connealy	Jones	Pederson, D.	Thompson
Bourne	Cudaback	Kremer	Price	Vrtiska
Brashear	Cunningham	Kruse	Raikes	Wehrbein
Bromm	Engel	Landis	Schimek	
Brown	Hartnett	Louden	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 11:

Burling	Friend	Mossey	Smith
Erdman	Jensen	Quandahl	Tyson
Foley	Maxwell	Redfield	

Present and not voting, 1:

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 408. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 39-1390, 81-523, and 81-1561, Reissue Revised Statutes of Nebraska, and sections 60-1303, 77-912, 81-15,174, 86-527, and 86-579, Revised Statutes Supplement, 2002; to authorize fund transfers as prescribed; to provide for the administration of funds; to change the disposition of certain taxes; to harmonize provisions; to eliminate obsolete 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	Combs	Janssen	Mossey	Smith
Baker	Connealy	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Erdman	Landis	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

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 410 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 410. With Emergency.

A BILL FOR AN ACT relating to state buildings; to amend section 81-1114, Reissue Revised Statutes of Nebraska, and sections 81-179, 81-180, 81-184, and 81-188.01 to 81-188.06, Revised Statutes Supplement, 2002; to change funding provisions under the Deferred Building Renewal Act; to change duties of the building division; to harmonize provisions; to provide an operative date; 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 402, 403, 403A, 404, 405, 406, and 407.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 411. With Emergency.

A BILL FOR AN ACT relating to the medical assistance program; to amend sections 68-1019.02 and 68-1020, Revised Statutes Supplement, 2002; to change provisions relating to coverage and eligibility; 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, 44:

Aguilar	Cudaback	Jensen	Mines	Schrock
Baker	Cunningham	Johnson	Mossey	Smith
Bourne	Engel	Jones	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Bromm	Foley	Kruse	Preister	Thompson
Brown	Friend	Landis	Price	Tyson
Burling	Hartnett	Louden	Quandahl	Vrtiska
Byars	Hudkins	Maxwell	Raikes	Wehrbein
Combs	Janssen	McDonald	Redfield	

Voting in the negative, 3:

Beutler	Chambers	Schimek

Present and not voting, 2:

Connealy	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.

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1628.07, 71-1628.08, 71-5714, 71-7606, 71-7607, 71-7608, 71-7609, 71-7611, and 71-7614, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to local public health departments and health care funding; to change and eliminate powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-1628.02, 71-1628.03, and 71-7611.01 to 71-7611.08, Revised Statutes Supplement, 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

LEGISLATIVE BILL 414. With Emergency.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement rates; to provide an operative date; 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:

Aguilar	Connealy	Janssen	Mines	Smith
Baker	Cudaback	Jensen	Mossey	Stuhr
Bourne	Cunningham	Johnson	Pedersen, Dw.	Stuthman
Brashear	Engel	Jones	Pederson, D.	Tyson
Bromm	Erdman	Kremer	Preister	Vrtiska
Brown	Foley	Kruse	Quandahl	Wehrbein
Burling	Friend	Landis	Raikes	
Byars	Hartnett	Maxwell	Redfield	
Combs	Hudkins	McDonald	Schrock	

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Voting in the negative, 6:

Beutler	Louden	Schimek
Chambers	Price	Thompson

Present and not voting, 1:

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.

LEGISLATIVE BILL 415. With Emergency.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-434, Revised Statutes Supplement, 2002; to change funding provisions; to provide an operative date; 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, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Bourne

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 424. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 69-1310, 69-1329, and 81-1120, Reissue Revised Statutes of Nebraska, and

section 69-1317, Revised Statutes Supplement, 2002; to create funds; to provide for charges and assessments against certain state funds; to provide powers and duties; to change provisions relating to the Uniform Disposition of Unclaimed Property Act; to provide for abandonment of unclaimed life insurance company property as prescribed; to provide for transfers of funds; to harmonize provisions; to provide an operative date; 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	Johnson	Pederson, D.	Stuthman
Baker	Cunningham	Jones	Preister	Synowiecki
Beutler	Engel	Kremer	Price	Thompson
Bourne	Erdman	Kruse	Quandahl	Tyson
Brashear	Foley	Landis	Raikes	Vrtiska
Bromm	Friend	Louden	Redfield	Wehrbein
Brown	Hartnett	McDonald	Schimek	
Burling	Hudkins	Mines	Schrock	
Byars	Janssen	Mossey	Smith	
Combs	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Cudaback 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.

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

LEGISLATIVE BILL 440. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.01, Reissue Revised Statutes of Nebraska, and sections 18-2603 and 77-2602, Revised Statutes Supplement, 2002; to redefine a term; to change allocations from cigarette tax proceeds to the Municipal Infrastructure Redevelopment Fund; to change state aid provisions for municipalities; to harmonize provisions; to provide an operative date; 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

Voting in the affirmative, 41:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Smith
Baker	Cudaback	Johnson	Pederson, D.	Stuhr
Beutler	Cunningham	Jones	Preister	Thompson
Brashear	Engel	Kremer	Price	Vrtiska
Brown	Erdman	Kruse	Quandahl	Wehrbein
Burling	Foley	Landis	Raikes	
Byars	Friend	Maxwell	Redfield	
Chambers	Hartnett	Mines	Schimek	
Combs	Hudkins	Mossey	Schrock	

Bourne Louden

Bromm Janssen McDonald Synowiecki Tyson

Stuthman

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 CUDABACK PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 685 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 685. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 79-717, 79-801, 79-805, 79-806, 79-807, 79-811, 79-813, 79-815, 79-827, 79-829, 79-871, 79-1239, 85-1105, 85-1108, 85-1412, 85-1603, 85-1604, 85-1620, 85-1622, 85-1640, and 85-1643, Reissue Revised Statutes of Nebraska, and sections 23-3302, 29-2264, 79-808, 79-809, 79-810, 79-814, 79-8,133, 79-8,135, 79-8,137, 79-1104, 79-1601, and 79-1605, Revised Statutes Supplement, 2002; to change, transfer, and eliminate provisions relating to certificates, permits, and criminal history record information checks; to

define and redefine terms; to rename a fund; to change provisions relating to postsecondary educational institutions and private postsecondary career schools; to eliminate the Interstate Agreement on Qualification of Educational Personnel and related provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-893 to 79-895 and 79-8,111 to 79-8,117, Reissue Revised Statutes of Nebraska, and sections 79-812 and 79-816, Revised Statutes Supplement, 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

SPEAKER BROMM PRESIDING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 796. With Emergency.

A BILL FOR AN ACT relating to the school breakfast program; to amend section 79-10,138, Revised Statutes Supplement, 2002; to provide for pro rata reimbursement 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, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Conneally	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

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.

LEGISLATIVE BILL 798. With Emergency.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2002; to provide for fund transfers; to authorize receipt of federal 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, 48:

Aguilar	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

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.

LEGISLATIVE BILL 799. With Emergency.

A BILL FOR AN ACT relating to veterans; to amend section 80-401.01, Revised Statutes Supplement, 2002; to redefine veteran of the Vietnam War; 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, 48:

Aguilar	Combs	Janssen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Erdman	Landis	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present 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.

LEGISLATIVE BILL 804.

A BILL FOR AN ACT relating to game and parks; to amend section 37-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to the position of State Recreational Trails Coordinator; 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	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

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 806 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 806. 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, 48:

Aguilar	Combs	Janssen	Mines	Smith
Baker	Connealy	Jensen	Mossey	Stuhr
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Louden	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

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 408, 410, 411, 412, 414, 415, 424, 440, 685, and 796.

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 540 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 540. With Emergency.

A BILL FOR AN ACT relating to education; to amend section 85-1536.01, Reissue Revised Statutes of Nebraska, sections 13-518, 77-3442, 77-3446, 79-1008.01, 79-1022.02, and 79-1025, Revised Statutes Supplement, 2002, and sections 79-1022, 79-1026, 79-1083.03, and 79-10,110, Revised Statutes Supplement, 2002, as amended by sections 12, 15, 22, and 23, respectively, Legislative Bill 67, Ninety-eighth Legislature, First Session, 2003; to change and eliminate provisions relating to tax levy and budget authority and state aid; to harmonize provisions; to repeal the original sections; to outright repeal section 85-1537.01, 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, 42:

Aguilar	Combs	Jensen	Mines	Stuhr
Baker	Connealy	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Jones	Pederson, D.	Synowiecki
Bourne	Cunningham	Kremer	Price	Thompson
Brashear	Engel	Kruse	Raikes	Vrtiska
Bromm	Foley	Landis	Redfield	Wehrbein
Brown	Hartnett	Louden	Schimek	
Burling	Hudkins	Maxwell	Schrock	
Byars	Janssen	McDonald	Smith	

Voting in the negative, 6:

Chambers	Friend	Quandahl
Erdman	Mossey	Tyson

Present and not voting, 1:

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.

MOTION - Return LB 759 to Select File

Senator Maxwell moved to return LB 759 to Select File for the following specific amendment:

FA1385

Strike the enacting clause.

Senator Maxwell 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 759 with 45 ayes, 2 nays, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 759.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 53-160, 77-2702.05, 77-2704.07, 77-2704.23, 77-2704.33, and 77-27,132, Reissue Revised Statutes of Nebraska, sections 77-2101.03, 77-2602, 77-2701, 77-2701.02, 77-2702.03, 77-2702.13, 77-2702.17, 77-2715.02, 77-27,222, and 77-4008, Revised Statutes Supplement, 2002, sections 77-2702.07, 77-2702.14, 77-2703, 77-2704.26, and 77-2705, Revised Statutes Supplement, 2002, as amended by sections 20, 36, 48, 58, and 70, respectively, Legislative Bill 282, Ninety-eighth Legislature, First Session, 2003, and sections 49 and 60, Legislative Bill 282, Ninety-eighth Legislature, First Session, 2003; to change provisions relating to alcohol taxes, estate taxes, cigarette taxes, sales and use taxes, income taxes, child care tax credits, and tobacco products taxes; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; 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, 36:

Aguilar	Chambers	Janssen	Mines	Stuthman
Baker	Combs	Johnson	Pedersen, Dw.	Thompson
Beutler	Connealy	Jones	Pederson, D.	Vrtiska
Bourne	Cudaback	Kremer	Price	Wehrbein
Brashear	Cunningham	Kruse	Raikes	
Bromm	Engel	Landis	Schimek	
Brown	Hartnett	Louden	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 13:

Burling	Friend	Mossey	Redfield	Tyson
Erdman	Jensen	Preister	Smith	
Foley	Maxwell	Quandahl	Synowiecki	

Not voting, 0.

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 759A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 759, Ninety-eighth

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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, 36:

Aguilar	Chambers	Janssen	Mines	Stuthman
Baker	Combs	Johnson	Pedersen, Dw.	Thompson
Beutler	Connealy	Jones	Pederson, D.	Vrtiska
Bourne	Cudaback	Kremer	Price	Wehrbein
Brashear	Cunningham	Kruse	Raikes	
Bromm	Engel	Landis	Schimek	
Brown	Hartnett	Louden	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 13:

Burling	Friend	Mossey	Redfield	Tyson
Erdman	Jensen	Preister	Smith	
Foley	Maxwell	Quandahl	Synowiecki	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

MOTION - Return LB 574 to Select File

Senator Raikes moved to return LB 574 to Select File for his specific pending amendment, AM2002, found on page 1937.

The Raikes motion to return prevailed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 574. The Raikes specific pending amendment, AM2002, found on page 1937, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 622 to Select File

Senator Raikes moved to return LB 622 to Select File for the Raikes-Landis specific pending amendment, AM1956, found on page 1896.

The Raikes motion to return prevailed with 33 ayes, 0 nays, and 16 present and not voting.

SELECT FILE

LEGISLATIVE BILL 622. The Raikes-Landis specific pending amendment, AM1956, found on page 1896, was renewed.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 798, 799, 804, 806, 540, 759, and 759A.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 598, 760, and 760A.

ER9074

Enrollment and Review Change to LB 760

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Brashear amendment, AM1946, on page 12, line 2, "section" has been struck.

ER9072

Enrollment and Review Change to LB 760A

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Brashear amendment, AM1976:

a. On page 1, line 16; and page 2, line 8, a comma has been inserted after "FY2003-04"; and

b. On page 1, line 18, a comma has been inserted after "Court".

2. On page 1, line 3, "; to reduce appropriations as prescribed; and to declare an emergency" has been inserted after "2003".

LEGISLATIVE BILL 95. Placed on Select File as amended.

(E & R amendment, AM7145, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 655. Placed on Select File as amended.

E & R amendment to LB 655:

AM7142

- 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 4 of this act,
- 4 nonconsensual common-law lien means a document that purports to
- 5 assert a lien against real or personal property of any person or
- 6 entity and:
- 7 (1) Is not expressly provided for by a specific state or
- 8 federal statute;
- 9 (2) Does not depend on the consent of the owner of the
- 10 real or personal property affected; and
- 11 (3) Is not an equitable or constructive lien imposed by a
- 12 state or federal court of competent jurisdiction.
- 13 Sec. 2. Any person who submits for filing or recording
- 14 to the Secretary of State, county clerk, register of deeds, or
- 15 clerk of any court any document purporting to create a
- 16 nonconsensual common-law lien against real or personal property in
- 17 violation of this section or section 76-296 is liable to the person
- 18 or entity against whom the lien is claimed for actual damages plus
- 19 costs and reasonable attorney's fees.
- 20 Sec. 3. The Secretary of State, county clerk, register
- 21 of deeds, or clerk of any court shall refuse to accept for filing
- 22 any nonconsensual common-law lien.
- 23 Sec. 4. Any lien determined to be a nonconsensual
- 24 common-law lien pursuant to any proceeding shall be stricken from
- 1 the record of the Secretary of State, county clerk, register of
- 2 deeds, or clerk of any court upon the issuing of a valid court
- 3 order from a court of competent jurisdiction. There shall be no
- 4 filing fee for a court order issued pursuant to this section.
- 5 Sec. 5. Section 52-131, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 52-131. (1) A person who furnishes services or materials
- 8 pursuant to a real estate improvement contract has a construction
- 9 lien, only to the extent provided in ~~sections 52-125 to 52-159~~ the
- 10 Nebraska Construction Lien Act, to secure the payment of his or her
- 11 contract price.
- 12 (2) A lien arises under ~~sections 52-125 to 52-159~~ the act
- 13 only if the claimant records a lien within the time specified by
- 14 section 52-137.
- 15 (3) Real estate to which a construction lien attaches is
- 16 specified by section 52-133, and limitations on the existence of a
- 17 lien for materials are specified by section 52-134.

18 (4) The amount of a claimant's lien is specified by
19 section 52-136. The content of the notice of the right to assert a
20 lien liability to be given to the owner under section 52-136 is
21 specified by section 52-135.

22 (5) The priority of a claimant's lien as against other
23 construction-lien claimants is specified in section 52-138, and
24 priority as against claimants other than construction-lien
25 claimants is specified in section 52-139.

26 (6) Foreclosure of a lien under ~~sections 52-125 to 52-159~~
27 the act is governed by section 52-155, and the time within which an
1 action to foreclose must be brought by section 52-140.

2 Sec. 6. Section 52-135, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 52-135. (1) At any time after a claimant has entered
5 into the contract under which he or she may claim a lien under
6 ~~sections 52-125 to 52-159~~ the Nebraska Construction Lien Act, he or
7 she may give a notice of the right to assert a lien liability to
8 the contracting owner. The notice of the right to assert a lien
9 liability must be in writing, state that it is a notice of a right
10 to assert a lien against real estate for services or materials
11 furnished in connection with improvement of the real estate, and
12 contain:

13 (a) The name of the claimant and the address to which the
14 owner or others may send communications to the claimant;

15 (b) The name and address of the person with whom the
16 claimant contracted;

17 (c) The name of the owner against whom a lien is or may
18 be claimed;

19 (d) A general description of the services or materials
20 provided or to be provided;

21 (e) A description sufficient to identify the real estate
22 against which the lien is or may be claimed;

23 (f) A statement that the claimant ~~has recorded a lien and~~
24 ~~the date of recording or, if the lien has not been recorded, a~~
25 ~~statement that the claimant~~ is entitled to record a lien;

26 (g) The amount unpaid to the claimant for services or
27 materials, whether or not due, or if no amount is fixed by the
1 contract, a good faith estimate of the amount designated as an
2 estimate; and

3 (h) The following statement in type no smaller than that
4 used in providing the information required by subdivisions (1)(a)
5 ~~to through~~ (1)(g) of this subsection:

6 Warning. If you did not contract with the person giving
7 this notice, any future payments you make in connection with this
8 project may subject you to double liability.

9 (2) A claimant may notify the contracting owner, either
10 in the notice of the right to assert a lien liability or
11 separately, that the claimant must be notified of the recording of
12 any termination of the notice of commencement. The notice to the

13 owner must be in writing and, if not part of the notice of the
14 right to assert a lien, liability, shall contain the information
15 specified in subdivisions (1)(a) ~~to through~~ (1)(e) of this section.
16 In addition, the notice shall state that a written notice of the
17 recording of any notice of termination must be given to the
18 claimant at least three weeks before the effective date of the
19 notice of termination.

20 (3) The claimant shall send a copy of a recorded lien to
21 the contracting owner within ten days after recording, and the
22 recording shall be within the time specified for the filing of
23 liens under section 52-137.

24 (4) If the contracting owner has held out another person
25 as contracting owner, either by naming that person in the notice of
26 commencement or otherwise, a notice directed to and received by
27 that person is effective against the contracting owner.

1 (4) (5) If the contracting owner has held out a
2 fictitious or nonexistent person as contracting owner either by
3 naming that person in the notice of commencement or otherwise, a
4 notice to that fictitious or nonexistent person delivered at an
5 address held out by the contracting owner as the address of the
6 fictitious or nonexistent person is effective against the
7 contracting owner.

8 (5) (6) This section shall apply to a lien claimant only
9 when the contracting owner is a protected party.

10 Sec. 7. Section 52-136, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 52-136. (1) Subject to subsection (3) of this section:

13 (a) The lien of a prime contractor is for the unpaid part
14 of his or her contract price; and

15 (b) Except as against a protected party contracting
16 owner, the lien of a claimant other than a prime contractor is for
17 the amount unpaid under the claimant's contract.

18 (2) Except as modified by subsections (4) and (5) of this
19 section, as against a protected party contracting owner, the lien
20 of a claimant other than a prime contractor is for the lesser of:

21 (a) The amount unpaid under the claimant's contract; or

22 (b) The amount unpaid under the prime contract through
23 which the claimant claims at the time the contracting owner
24 receives the claimant's notice of the right to assert a lien,

25 liability.

26 (3) The lien of a claimant is reduced by the sum of the
27 liens of claimants who claim through him or her.

1 (4) If a protected party contracting owner's lien
2 liability under a particular prime contract as provided in
3 subsection (5) of this section is less than the sum of claims of
4 all claimants claiming through that particular prime contractor:

5 (a) Lien claimants whose liens attach at different times
6 have liens in the order of attachment until the owner's lien
7 liability is exhausted; and

8 (b) Among claimants whose liens attach, or may attach, at
9 the same time, each claimant's lien is for his or her pro rata
10 portion of the amount of the contracting owner's lien liability to
11 claimants whose liens attach at that time.
12 (5) A protected party contracting owner's lien liability
13 under a particular prime contract is the prime contract price less
14 payments properly made thereon. A payment is properly made on a
15 prime contract to the extent that the payment:

16 (a) Is made in good faith before the receipt by the
17 contracting owner of a copy of a recorded lien or of a notice of
18 the right to assert a lien; liability; or

19 (b) If made after receipt by the contracting owner of a
20 copy of a recorded lien or of a notice of the right to assert a
21 lien, liability, is made in good faith and leaves unpaid a part of
22 the prime contract price sufficient to satisfy the unpaid claims of
23 all claimants who have provided a copy of a recorded lien or who
24 have given notice of the right to assert a lien liability and whose
25 claims are not being satisfied by the payment.

26 Sec. 8. Section 52-201, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 52-201. (1) Any person who makes, alters, repairs, or in
2 any way enhances the value of any vehicle, automobile, machinery,
3 farm implement, or tool, or shoes a horse or ~~horses, or mule or~~
4 ~~mules~~, at the request of or with the consent of the owner; or
5 owners thereof; shall have a lien on such vehicle, automobile,
6 machinery, farm implement, ~~or tool, or horse or horses, mule or~~
7 ~~mules~~, while in ~~his~~ such person's possession; for ~~his~~ the
8 reasonable or agreed charges for the work done or material
9 furnished; and shall have the right to retain such property until
10 such charges are paid.

11 (2) Any person who exercises the right to retain such
12 property shall not assess any additional fee beyond the reasonable
13 or agreed charges for the work done or material furnished unless
14 the person first sends, by certified mail, (a) a notice of
15 possession of such property, intent to assess an additional
16 reasonable fee beginning with the date that the notice is sent, and
17 the amount or rate of the additional reasonable fee to the owner or
18 owners for whom the work was performed and (b) a copy of such
19 notice to any lienholder noted on the certificate of title if
20 applicable.

21 Sec. 9. Section 70-641, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 70-641. All provisions of section 52-118, with reference
24 to contractors' bonds, shall be applicable and effective as to any
25 contract let pursuant to the provisions of sections 70-637 to
26 70-640, except that with respect to any electric generating
27 facility, the penal sum of any contractor's bond shall be the
1 lesser of the contract amount or two hundred million dollars. The
2 bond required by section 52-118 may be satisfied by a corporate

3 surety or letter of credit, or combination thereof, approved by the
4 district.

5 Sec. 10. The Revisor of Statutes shall assign sections 1
6 to 4 of this act to Chapter 52.

7 Sec. 11. Original sections 52-131, 52-135, 52-136,
8 52-201, and 70-641, Reissue Revised Statutes of Nebraska, are
9 repealed."

10 2. On page 1, strike beginning with "section" in line 1
11 through line 5 and insert "sections 52-131, 52-135, 52-136, 52-201,
12 and 70-641, Reissue Revised Statutes of Nebraska; to prohibit
13 nonconsensual common-law liens as prescribed; to change provisions
14 relating to construction liens, artisan liens, and contractor's
15 bonds; to provide a duty for the Revisor of Statutes; and to repeal
16 the original sections."

LEGISLATIVE BILL 596. Placed on Select File.

LEGISLATIVE BILL 643. Placed on Select File as amended.
E & R amendment to LB 643:
AM7144

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 71-6403, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-6403. (1) There is hereby created the state building
6 code. The Legislature hereby adopts by reference:

7 (a) The Uniform Building Code, 1991 edition, Chapters 1,
8 4 through 30, 32 through 56, and 60, and the Uniform Building Code
9 Standards, 1991 edition, published by the International Conference
10 of Building Officials International Building Code (IBC), 2000
11 edition, published by the International Code Council;

12 (b) The CABO One and Two Family Dwelling Code, 1992
13 edition International Residential Code (IRC), 2000 edition,
14 published by the International Code Council; and

15 (c) The Uniform Code for Building Conservation.

16 (2) The codes adopted by reference in subsection (1) of
17 this section shall constitute the state building code except as
18 amended pursuant to the Building Construction Act or as otherwise
19 authorized by state law.

20 (3) Whenever a new edition of the codes adopted in
21 subsection (1) of this section is published, such new edition shall
22 be considered the state building code.

23 (4) ~~A political subdivision may continue to administer,~~
24 ~~enforce, and update the code endorsed by the Building Officials and~~
1 ~~Code Administrators International, Inc., if such code was adopted~~
2 ~~by the political subdivision prior to September 9, 1993.~~

3 Sec. 2. Section 71-6405, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-6405. All state agencies, including all state

6 constitutional offices, state administrative departments, and state
7 boards and commissions, the University of Nebraska, and the
8 Nebraska state colleges, shall comply with the state building code.
9 No state agency may adopt, promulgate, or enforce any rule or
10 regulation in conflict with the state building code unless
11 otherwise specifically authorized by statute to adopt or enforce a
12 building or construction code other than the state building code.
13 Nothing in the Building Construction Act shall authorize any state
14 agency to apply such act to manufactured homes or recreational
15 vehicles regulated by the Uniform Standard Code for Manufactured
16 Homes and Recreational Vehicles or to modular housing units
17 regulated by the Nebraska Uniform Standards for Modular Housing
18 Units Act. A state agency may, by rule or regulation, amend the
19 state building code by adopting any supplement, new edition, or
20 appendix of the Uniform Building Code, the CABO One and Two Family
21 Dwelling Code International Building Code (IBC), 2000 edition,
22 International Residential Code (IRC), 2000 edition, or the Uniform
23 Code for Building Conservation referred to in section 71-6403,
24 except that all amendments shall be approved in advance by the
25 Director of Administrative Services. Amendments to the state
26 building code may also include variations from the code which will
27 reduce unnecessary costs of construction, increase safety,
1 durability, or efficiency, or address special local conditions
2 within the state.

3 Sec. 3. Section 72-804, Revised Statutes Supplement,
4 2002, is amended to read:
5 72-804. (1) Any new state building shall meet or exceed
6 the requirements of the ~~1998~~ 2000 International Energy Conservation
7 Code.

8 (2) Any new lighting, heating, cooling, ventilating, or
9 water heating equipment or controls in a state-owned building and
10 any new building envelope components installed in a state-owned
11 building shall meet or exceed the requirements of the ~~1998~~ 2000
12 International Energy Conservation Code.

13 (3) The State Building Administrator of the Department of
14 Administrative Services, in consultation with the State Energy
15 Office, may specify:

16 (a) A more recent edition of the International Energy
17 Conservation Code;

18 (b) Additional energy efficiency or renewable energy
19 requirements for buildings; and

20 (c) Waivers of specific requirements which are
21 demonstrated through life-cycle cost analysis to not be in the
22 state's best interest. The agency receiving the funding shall be
23 required to provide a life-cycle cost analysis to the State
24 Building Administrator.

25 Sec. 4. Section 72-806, Revised Statutes Supplement,
26 2002, is amended to read:

27 72-806. The enforcement provisions of Chapter 1 of the

1 ~~1998~~ 2000 International Energy Conservation Code shall not apply to
2 buildings subject to sections 72-804 and 72-805.
3 Sec. 5. This act becomes operative on January 1, 2004.
4 Sec. 6. Original sections 71-6403 and 71-6405, Reissue
5 Revised Statutes of Nebraska, and sections 72-804 and 72-806,
6 Revised Statutes Supplement, 2002, are repealed."
7 2. On page 1, strike beginning with "the" in line 1
8 through line 6 and insert "buildings; to amend sections 71-6403 and
9 71-6405, Reissue Revised Statutes of Nebraska, and sections 72-804
10 and 72-806, Revised Statutes Supplement, 2002; to change provisions
11 relating to the state building code, political subdivision powers,
12 and an energy conservation code; to harmonize provisions; to
13 provide an operative date; and to repeal the original sections."

(Signed) Ray Mossey, Chairperson

VISITORS

Visitors to the Chamber were 51 fourth-grade students and teachers from Florence Elementary School, Omaha; 35 fourth-grade students and teacher from Cody Elementary School, Omaha; Senator Stuthman's granddaughter, Hillary Sander, and 43 fourth-grade students and teacher from David City; 26 fourth-grade students, teacher, and sponsor from Scribner/Snyder; and Wayne Garrels from Legislative District 37.

RECESS

At 11:54 a.m., on a motion by Senator Mines, 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 2003, at 12:00 p.m. were the following: LBs 402e, 403e, 403Ae, 404e, 405e, 406e, 407e, 408e, 410e, 411e, 412e, 414e, 415e, 424e, 440e, 685e, 796e, 798e, 799e, 804, 806e, 540e, 759, and 759A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 622. The Raikes-Landis specific pending amendment, AM1956, found on page 1896 and considered in this day's Journal, was renewed.

The Raikes-Landis specific amendment was adopted with 28 ayes, 5 nays, and 16 present and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 626 to Select File

Senator Preister moved to return LB 626 to Select File for the Preister-Byars specific pending amendment, AM1671, found on page 1582.

The Preister motion to return prevailed with 32 ayes, 0 nays, and 17 present and not voting.

SELECT FILE

LEGISLATIVE BILL 626. The Preister-Byars specific pending amendment, AM1671, found on page 1582, was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 320 to Select File

Senator Chambers moved to return LB 320 to Select File for his specific pending amendment, AM2003, found on page 1913.

The Chambers motion to return prevailed with 37 ayes, 0 nays, and 12 present and not voting.

SELECT FILE

LEGISLATIVE BILL 320. The Chambers specific pending amendment, AM2003, found on page 1913, was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 95A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, and 14 present and not voting.

LEGISLATIVE BILL 209A. Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, and 9 present and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 743A. 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 743, Ninety-eighth Legislature, First Session, 2003.

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 17. Title read. Considered.

The Standing Committee amendment, AM1472, printed separately and referred to on page 1479, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 430. Title read. Considered.

The Standing Committee amendment, AM0415, found on page 562, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following amendment:

FA1386

Add new section:

"The Secretary of State, whenever deemed appropriate for the facilitation of carrying out the duties of chief protocol officer, may designate himself or herself as Secretary of Steak."

Senator Price 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 22 ayes, 0 nays, and 27 not voting.

The Chambers amendment lost with 8 ayes, 25 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 720. 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.

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

LEGISLATIVE BILL 721. Title read. Considered.

The Standing Committee amendment, AM0875, found on page 986, 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 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

The Standing Committee amendment, AM0740, found on page 798, 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 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 467. Title read. Considered.

The Standing Committee amendment, AM0479, found on page 631, was considered.

SPEAKER BROMM PRESIDING

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

The Standing Committee 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 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 602. Senator Smith asked unanimous consent to bracket until January 7, 2004. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 95A. Placed on Select File.

LEGISLATIVE BILL 209A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENT - Print in Journal

Senator Foley filed the following amendment to LB 602:
AM2010

(Amendments to Standing Committee amendments, AM0971)

- 1 1. On page 1, line 6, strike "human cloning" and insert
- 2 "cloning of humans".

NOTICE OF COMMITTEE HEARING
Business and Labor
Room 1524

Tuesday, May 27, 2003

12:00 p.m.

Robert Hill - Boiler Safety Code Advisory Board

Thomas Hix - Boiler Safety Code Advisory Board

William Yates - Boiler Safety Code Advisory Board

(Signed) Floyd P. Vrtiska, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 790A. 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 790, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Senators Mines and Preister asked unanimous consent to have their names added as cointroducers to LB 17. No objections. So ordered.

VISITORS

Visitors to the Chamber were Wendy Modlin and David Krogh from South Sioux City; 60 fourth-grade students and teachers from West Lawn Elementary School, Grand Island; Jenny Brandt and Jens Gronberg from Sweden; 31 fifth-grade students and teacher from Boone Central School, Albion; Bob Sweeny from Blair; and 60 fourth-grade students and teachers from Castelar Academy, Omaha.

ADJOURNMENT

At 4:10 p.m., on a motion by Senator Cunningham, the Legislature adjourned until 9:00 a.m., Wednesday, May 21, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 21, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 21, 2003

PRAYER

The prayer was offered by Senator Jones.

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, Byars, Cunningham, Engel, Maxwell, Mines, Mossey, Raikes, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

MOTION - Approve Appointment

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 1918:

Nebraska Board of Health
Pamela List

Voting in the affirmative, 33:

Aguilar	Cudaback	Kremer	Preister	Stuthman
Baker	Erdman	Kruse	Price	Synowiecki
Bourne	Friend	Landis	Quandahl	Thompson
Burling	Hartnett	Louden	Redfield	Vrtiska
Chambers	Janssen	McDonald	Schimek	Wehrbein
Combs	Jensen	Pedersen, Dw.	Schrock	
Connealy	Johnson	Pederson, D.	Smith	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Bromm	Hudkins	Tyson
Brashear	Foley	Jones	

Excused and not voting, 9:

Brown	Cunningham	Maxwell	Mossey	Stuhr
Byars	Engel	Mines	Raikes	

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 608A. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 626A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 790A. 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.

SELECT FILE

LEGISLATIVE BILL 655. E & R amendment, AM7142, found on page 1962, was adopted.

Senator Beutler offered the following amendment:
AM2029

(Amendments to E & R amendments, AM7142)

- 1 1. Strike section 2 and insert the following new
- 2 section:
- 3 "Sec. 2. If a person submits for filing or recording to
- 4 the Secretary of State, county clerk, register of deeds, or clerk
- 5 of any court any document purporting to create a nonconsensual
- 6 common-law lien against real or personal property in violation of
- 7 this section or section 76-296 and such document is so filed or
- 8 recorded, the person submitting the document is liable to the
- 9 person or entity against whom the lien is claimed for actual
- 10 damages plus costs and reasonable attorney's fees.".

The Beutler amendment 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 596. Advanced to E & R for engrossment.

LEGISLATIVE BILL 43. E & R amendment, AM7143, printed separately and referred to on page 1939, was adopted.

Senator Brashear offered the following amendment:
AM1986

(Amendments to E & R amendments, AM7143)

- 1 1. On page 8, line 10, strike "statute" and insert
- 2 "subsection"; in line 12 after "(4)" insert "Any child or
- 3 vulnerable adult who resides with a person violating subsection (2)
- 4 or (3) of this section shall be taken into protective custody as
- 5 provided in the Adult Protective Services Act or the Nebraska
- 6 Juvenile Code.
- 7 (5)"; and in line 19 strike "(5)" and insert "(6)".

The Brashear amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Beutler offered the following amendment:
FA1387

On page 7, line 8 strike "a" and insert "an immediate"

The Beutler amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 73. E & R amendment, AM7141, printed separately and referred to on page 1939, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 73A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 95. E & R amendment, AM7145, printed separately and referred to on page 1962, was adopted.

Senator Beutler offered the following amendment:
AM2047

(Amendments to E & R amendments, AM7145)

- 1 1. On page 3, strike beginning with "on" in line 25
- 2 through the last "or" in line 27; and in line 27 strike "other".

- 3 2. On page 34, line 12, strike ", either" and show as
4 stricken and strike "oral or" and show as stricken.

The Beutler amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 95A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 643. E & R amendment, AM7144, found on page 1966, was adopted.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 608. The Smith-D. Pederson pending amendment, AM2006, found on page 1928, to the Bromm et al. pending amendment, AM2005, found on page 1918, was renewed.

Senators Hartnett and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Smith withdrew the Smith-D. Pederson amendment.

Senator Bromm renewed his pending amendment, AM2014, found on page 1937, to the Bromm et al. pending amendment.

Senator Wehrbein 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.

The Bromm amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment to the Bromm et al. pending amendment:
(Amendment, AM2045, is on file and available in the Clerk's Office, Room 2014.)

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

SENATOR ENGEL PRESIDING

Senator Brown 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 CUDABACK PRESIDING

Senator Beutler moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler	Combs	Hudkins	Price	Thompson
Byars	Connealy	Janssen	Schimek	
Chambers	Foley	Kruse	Synowiecki	

Voting in the negative, 22:

Aguilar	Burling	Kremer	Quandahl	Stuthman
Baker	Cunningham	Louden	Redfield	Vrtiska
Brashear	Jensen	Mines	Schrock	
Bromm	Johnson	Mossey	Smith	
Brown	Jones	Pedersen, Dw.	Stuhr	

Present and not voting, 12:

Bourne	Erdman	Landis	Preister
Cudaback	Friend	Maxwell	Raikes
Engel	Hartnett	McDonald	Wehrbein

Excused and not voting, 2:

Pederson, D. Tyson

The Beutler amendment lost with 13 ayes, 22 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Bromm et al. pending amendment:

(Amendment, AM2039, is on file and available in the Clerk's Office, Room 2014.)

Pending.

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 232:
AM1441

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 23-1517.02, Revised Statutes
- 3 Supplement, 2002, is amended to read:
- 4 23-1517.02. (1) The register of deeds may use a
- 5 computerized system of indexing for deeds and conveyances,
- 6 mortgages, the Construction Lien Record index, the Miscellaneous
- 7 Record index, the federal lien index, the fee book, and all other
- 8 supplemental indices that may be contained in such office and may
- 9 combine such indices into one Land Record index. If a computerized
- 10 system of indexing is used, the register of deeds may maintain a
- 11 printout of all records stored in the computer system and shall
- 12 have a security backup system for data and other programs in an
- 13 electronic medium which shall be stored in a secure location. If
- 14 maintained, the printout shall consist of a record of fees, a
- 15 numerical tract index, and an alphabetical general index. If the
- 16 computerized system of indexing is capable of displaying filed
- 17 documents, the documents shall be displayed in a manner which does
- 18 not include any signatures of the parties to the documents.
- 19 (2) In counties which do not use the computerized system
- 20 provided in subsection (1) of this section, the register of deeds
- 21 shall use the separate book or microfilm form of recording
- 22 instruments as required prior to July 10, 1984."
- 23 2. On page 7, line 15, strike "section" and insert
- 24 "sections 23-1517.02 and".
- 1 3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 17. Placed on Select File as amended.

(E & R amendment, AM7148, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 430. Placed on Select File as amended.

E & R amendment to LB 430:

AM7147

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 84-502, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 84-502. It shall be the duty of the Secretary of State:
- 6 (1) To countersign and affix the seal of the state to all
- 7 commissions required by law to be issued by the Governor;
- 8 (2) To keep a register of all such commissions specifying

9 the person to whom granted, the office conferred, the date of
10 signing the commission, and, when bond is taken, the date and
11 amount thereof and the names of the sureties;

12 (3) To make and keep proper indexes to the records and
13 all public acts, resolutions, papers, and documents in his or her
14 office;

15 (4) To give any person requiring the same, and paying the
16 lawful fees therefor, a copy of any law, act, resolution, record,
17 or paper in his or her office, and attach thereto his or her
18 certificate under the seal of the state; ~~and~~

19 (5) To distribute the laws and journals as authorized by
20 section 49-501 and keep an account thereof; ~~and~~

21 (6)(a) To act as the chief protocol officer of the State
22 of Nebraska;

23 (b) In coordination with the Governor, the Department of
24 Economic Development, the Department of Agriculture, and other
1 interested federal, state, and local officials, to actively seek
2 appropriate contacts with other officials in nations with which the
3 state has or desires to have active trade, cultural, or educational
4 relations; and

5 (c) To help facilitate the interchange of ideas and
6 contacts for betterment of commerce, cultural exchange, or
7 educational studies between such nations and the state.

8 Sec. 2. Original section 84-502, Reissue Revised
9 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 720. Placed on Select File as amended.

E & R amendment to LB 720:

AM7150

- 1 1. On page 1, line 5, after "jurisdiction" insert ",
- 2 taxing authority,".
- 3 2. On page 2, line 6, strike "the" and insert "a"; and
- 4 in line 7 after "such" insert "a".

LEGISLATIVE BILL 721. Placed on Select File as amended.

(E & R amendment, AM7146, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 536. Placed on Select File as amended.

(E & R amendment, AM7151, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 467. Placed on Select File as amended.

(E & R amendment, AM7149, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 608A. Placed on Select File.

LEGISLATIVE BILL 626A. Placed on Select File.

LEGISLATIVE BILL 790A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

VISITORS

Visitors to the Chamber were Heather Koontz from Columbus; 41 fifth- and sixth-grade students and teachers from Ansley; former Senator George Coordsen and wife, Janice, from Hebron; 44 fourth-grade students and teachers from Loveland Elementary School, Omaha; Lyle, Wilma, and Colin Droge from Pawnee City; 36 fourth-grade students and teachers from Columbian Elementary School, Omaha; and 49 fourth-grade students and teachers from Walnut Creek Elementary School, Papillion.

RECESS

At 11:56 a.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 Byars and Schrock who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 608. The Beutler pending amendment, AM2039, on file and referred to in this day's Journal, to the Bromm et al. pending amendment, AM2005, was renewed.

Senators Engel and Foley 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 26 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Aguilar	Burling	Combs	Kruse	Schimek
Beutler	Byars	Connealy	Preister	Synowiecki
Brashear	Chambers	Janssen	Price	Thompson

Voting in the negative, 16:

Baker	Jensen	Mines	Redfield
Bromm	Jones	Mossey	Schrock
Cunningham	Landis	Pedersen, Dw.	Smith
Hudkins	Louden	Quandahl	Tyson

Present and not voting, 16:

Bourne	Friend	Maxwell	Stuhr
Brown	Hartnett	McDonald	Stuthman
Cudaback	Johnson	Pederson, D.	Vrtiska
Erdman	Kremer	Raikes	Wehrbein

Excused and not voting, 2:

Engel	Foley

The Beutler amendment lost with 15 ayes, 16 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Bromm et al. pending amendment:
AM2052

(Amendments to AM2005)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. The following sections are outright
- 4 repealed: Sections 77-27,188.01, 77-27,189, and 77-27,191, Reissue
- 5 Revised Statutes of Nebraska, and sections 77-27,187 to 77-27,188,
- 6 77-27,188.02, 77-27,190, 77-27,192 to 77-27,195, and 77-27,196.01,
- 7 Revised Statutes Supplement, 2002, are repealed."

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment to the Bromm et al. pending amendment:
(Amendment, AM2054, is on file and available in the Clerk's Office, Room 2014.)

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senators Louden and Tyson 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 21 ayes, 0 nays, and 28 not voting.

The Beutler amendment lost with 7 ayes, 24 nays, 14 present and not voting, and 4 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 Beutler offered the following amendment to the Bromm et al. pending amendment:
(Amendment, AM2058, is on file and available in the Clerk's Office, Room 2014.)

Senators Connealy and Price asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Beutler amendment lost with 5 ayes, 22 nays, 16 present and not voting, and 6 excused and not voting.

Senator Landis offered the following motion:
Invoke cloture pursuant to Rule 7, Section 10.

The Landis motion to invoke cloture prevailed with 34 ayes, 7 nays, 3 present and not voting, and 5 excused and not voting.

The Bromm et al. amendment, AM2005, as amended, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 209A:
AM2024

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$191,188
- 4 from the Administrative License Revocation Cash Fund for FY2003-04
- 5 and (2) \$193,508 from the Administrative License Revocation Cash
- 6 Fund for FY2004-05 to the Attorney General, for Program 507, to aid
- 7 in carrying out the provisions of Legislative Bill 209,
- 8 Ninety-eighth Legislature, First Session, 2003.

9 Total expenditures for permanent and temporary salaries
10 and per diems from funds appropriated in this section shall not
11 exceed \$116,000 for FY2003-04 or \$118,320 for FY2004-05.
12 Sec. 2. Since an emergency exists, this act takes effect
13 when passed and approved according to law."

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 320, 574, 622, and 626.

Correctly Engrossed

The following bills were correctly engrossed: LBs 19, 101, 187, and 439.

ER9075

Enrollment and Review Change to LB 19

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 25-304, 25-1210, 25-1601, 25-1625, and 25-1628, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to security for costs, witnesses, jurors, and jury commissioners; to repeal the original sections; and to outright repeal sections 25-1701 and 25-1702, Revised Statutes Supplement, 2002." inserted.

ER9077

Enrollment and Review Change to LB 187

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Baker amendment, AM1981:

a. On page 4, line 24, "of" has been struck and shown as stricken; and

b. On page 8, lines 19 and 21, "effective date of this act" has been struck and "operative date of this section" inserted.

2. On page 1, the matter beginning with "highways" in line 1 through line 7 and all amendments thereto have been struck and "transportation and telecommunications; to amend sections 14-115, 14-116, 15-901, 18-2432, 39-1311, 39-1311.01 to 39-1311.04, 70-604.06, 70-1016, 75-116, 75-121, 75-305, 75-1008, and 88-529, Reissue Revised Statutes of Nebraska, and sections 16-902, 17-1002, 75-117, 75-122.01, 75-128, 75-132.01, 75-134, 75-136, 75-156, 75-903, 86-123, 86-158, 86-313, 86-442, 86-457, and 86-578, Revised Statutes Supplement, 2002; to require subdivision plat reviews within highway corridors as prescribed; to change and eliminate

appeal provisions for the Nebraska Power Review Board and the Public Service Commission to conform to the Administrative Procedure Act; to provide and change fees and the disposition of fees; to authorize civil penalties for violations of the Enhanced Wireless 911 Services Act; to change provisions relating to surcharge hearings under the Telecommunications Relay System Act; to harmonize provisions; to provide operative dates; 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, 2002." inserted.

ER9079

Enrollment and Review Change to LB 320
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Chambers amendment, AM2003, on page 5, line 21, "Judges" has been struck and "the" inserted; in line 22 "judges" has been struck and "courts" inserted; and in line 27 "retirement eligibility, contributions, and" has been struck and "eligibility and required contributions for judges' retirement and court" inserted.

2. Section 2 and all amendments thereto have been struck and the following new section inserted:

"Sec. 4. Original section 24-721, Reissue Revised Statutes of Nebraska, section 24-703, Revised Statutes Supplement, 2002, and section 24-708, Revised Statutes Supplement, 2002, as amended by section 16, Legislative Bill 451, Ninety-eighth Legislature, First Session, 2003, are repealed."

ER9076

Enrollment and Review Change to LB 439

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, AM1971:

a. On page 4, line 25, an underscored comma has been inserted after "administrator" and "the production of" has been struck and "producing" inserted; and in line 27 "Such expenditures shall be prescribed by the administrator and approved by the commission." has been inserted after the period;

b. On page 5, lines 4 and 5 have been struck; and

c. On page 9, line 17, "workings" has been struck and "working" inserted.

2. In the Hudkins amendment, AM2008, on page 10, line 22, "Fund" has been struck and "Funds" inserted.

3. On page 1, the matter beginning with "the" in line 1 through line 7 has been struck and "state property; to amend sections 81-1101, 81-1102, 81-1107, 81-1108.17, 81-1108.18, 81-1108.20, 81-1108.22, 81-1108.23, 81-1108.32, 81-1108.38, 81-1108.50 to 81-1108.54, 81-1109, and 81-2004, Reissue Revised Statutes of Nebraska, and sections 81-188.01, 81-188.02, 81-1108, and 81-1108.15, Revised Statutes Supplement, 2002; to define

terms; to create the Office of the Nebraska Capitol Commission and the position of State Capitol Administrator; to provide, change, and transfer powers and duties; to create funds; to change the membership of the Nebraska Capitol Commission; to transfer responsibility for security for certain state buildings and grounds to the Nebraska State Patrol; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-1108.21, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

ER9078

Enrollment and Review Change to LB 574
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Raikes amendment, AM2002:

a. Sections 41 and 42 have been renumbered as sections 42 and 43, respectively; and

b. On page 1, line 2, "42" has been struck and "43" inserted.

2. On page 40, line 18; and page 41, lines 5, 9 and 10, and 15 and 16, "effective date of this act" has been struck and "operative date of this section" inserted.

(Signed) Ray Mossey, Chairperson

SELECT FILE

LEGISLATIVE BILL 283. E & R amendment, AM7140, printed separately and referred to on page 1893, was adopted.

Senator Brown renewed her pending amendment, AM1975, found on page 1888.

SPEAKER BROMM PRESIDING

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

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 97 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 97.

SELECT FILE

LEGISLATIVE BILL 283. The Brown pending amendment, AM1975, found on page 1888 and considered in this day's Journal, was renewed.

SENATOR SCHIMEK PRESIDING

Senator Landis asked unanimous consent to bracket LB 283 until May 27, 2003. No objections. So ordered.

LEGISLATIVE BILL 790. E & R amendment, AM7093, found on page 1114, was adopted.

Senator Landis withdrew his pending amendments, AM0764 and AM0785, found on pages 814 and 833.

Senator Landis offered the following amendment:
(Amendment, AM2035, is on file and available in the Clerk's Office, Room 2014.)

The Landis amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 743. E & R amendment, AM7101, found on page 1274, was adopted.

Senator Smith withdrew his pending amendment, AM1241, found on page 1217.

Senator Smith renewed the Smith-Baker pending amendment, AM1484, found on page 1459.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM1570, found on page 1485, and replace it with his substitute amendment, AM1972, to the Smith-Baker pending amendment. No objections. So ordered.
AM1972

(Amendments to AM1484)

- 1 1. Insert the following new section:
- 2 "Sec. 9. (1) The commission shall create informational
- 3 materials regarding the do-not-call registry. The materials shall
- 4 provide the following information:
- 5 (a) Notice of the availability of the national

- 6 do-not-call registry, its connection to the state do-not-call
 7 registry, and how to be placed on both registries;
 8 (b) An explanation of the overlapping jurisdictions of
 9 the federal and state registries and when each applies; and
 10 (c) The action a consumer should take if the consumer
 11 continues to receive unwanted telephone solicitations after
 12 requesting to be placed on either or both of the registries,
 13 including specific instructions explaining how and when to contact
 14 the Federal Trade Commission or the Public Service Commission to
 15 seek enforcement of the applicable law and regulations.
 16 (2) Each provider of residential telephone service in
 17 Nebraska shall annually provide the informational materials to
 18 every residential subscriber of the provider as prescribed by rules
 19 and regulations adopted and promulgated by the commission."
 20 2. On page 1, line 3, strike "9" and insert "10".
 21 3. On page 2, line 7, strike "making" and insert
 22 "requesting"; in line 12 after "subscriber" insert ", unless the
 23 residential subscriber has requested not to be called by the person
 1 on whose behalf the communication is being made or the residential
 2 subscriber has instructed such person to place the subscriber on
 3 the company-specific do-not-call list of the person,"; strike
 4 beginning with "unless" in line 17 through the first "person" in
 5 line 21; in line 24 strike the comma and insert "and"; and in line
 6 27 strike beginning with "and" through "not".
 7 4. On page 3, strike beginning with "informed" in line 1
 8 through the comma in line 3; in line 6 after "registry" insert "to
 9 be"; in line 9 strike "is" and insert "shall be"; and in line 14
 10 after "has" insert "requested not to be called by the person or
 11 has".
 12 5. On page 4, line 2; and page 10, line 22, strike "two
 13 thousand five hundred" and insert "seven thousand".
 14 6. Renumber the remaining sections accordingly.

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

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 596 and 655.

ER9080

Enrollment and Review Change to LB 655

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7142, on page 7, line 3, the second comma has been struck and shown as stricken; and in line 6 an underscored comma has been inserted after "horse".

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senators Hudkins and Beutler filed the following amendment to LB 439A:
AM2015

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$359,255
- 4 from the General Fund and \$698,023 from the Nebraska State Patrol
- 5 Cash Fund for FY2003-04 and (2) \$359,255 from the General Fund and
- 6 \$698,023 from the Nebraska State Patrol Cash Fund for FY2004-05 to
- 7 the Nebraska State Patrol, for Program 630, to aid in carrying out
- 8 the provisions of Legislative Bill 439, Ninety-eighth Legislature,
- 9 First Session, 2003.
- 10 Total expenditures for permanent and temporary salaries
- 11 and per diems from funds appropriated in this section shall not
- 12 exceed \$578,649 for FY2003-04 or \$592,168 for FY2004-05.
- 13 Sec. 2. There is hereby appropriated (1) \$3,208,330 from
- 14 the General Fund and \$17,250 from the Capitol Restoration Cash Fund
- 15 for FY2003-04 and (2) \$3,326,183 from the General Fund and \$17,250
- 16 from the Capitol Restoration Cash Fund for FY2004-05 to the Office
- 17 of the Nebraska Capitol Commission, for Program 685, to aid in
- 18 carrying out the provisions of Legislative Bill 439, Ninety-eighth
- 19 Legislature, First Session, 2003.
- 20 Total expenditures for permanent and temporary salaries
- 21 and per diems from funds appropriated in this section shall not
- 22 exceed \$978,668 for FY2003-04 or \$999,724 for FY2004-05.
- 23 Sec. 3. The General Fund appropriation to the Department
- 24 of Administrative Services, for Program 560, is reduced by
- 1 \$3,567,585 and the Revolving Fund appropriation to the Department
- 2 of Administrative Services, for Program 560, is reduced by \$646,689
- 3 for FY2003-04, to aid in carrying out the provisions of Legislative
- 4 Bill 439, Ninety-eighth Legislature, First Session, 2003. The
- 5 General Fund appropriation to the Department of Administrative
- 6 Services, for Program 560, is reduced by \$3,685,438 and the
- 7 Revolving Fund appropriation to the Department of Administrative
- 8 Services, for Program 560, is reduced by \$646,689 for FY2004-05, to
- 9 aid in carrying out the provisions of Legislative Bill 439,
- 10 Ninety-eighth Legislature, First Session, 2003.
- 11 The limitation on total expenditures for permanent and
- 12 temporary salaries and per diems for FY2003-04 for the Department
- 13 of Administrative Services, for Program 560, is hereby reduced by

14 \$1,497,317. The limitation on total expenditures for permanent and
15 temporary salaries and per diems for FY2004-05 for the Department
16 of Administrative Services, for Program 560, is hereby reduced by
17 \$1,530,692.

18 Sec. 4. Since an emergency exists, this act takes effect
19 when passed and approved according to law."

Senator Brashear filed the following amendment to LB 270:
(Amendment, AM2019, is printed separately and available in the Bill Room,
Room 1104.)

Senator Foley filed the following amendment to LB 172:
AM2025

1 1. Strike original section 1 and insert the following
2 new sections:
3 "Section 1. Section 71-6909, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 71-6909. On or before October 1 of ~~each~~ any school year,
6 ~~each a~~ school district ~~shall~~ may provide written information to all
7 students in grades seven through twelve explaining the provisions
8 of section 71-6902 with regard to the requirements for parental
9 notification as a condition for obtaining an abortion. The
10 information ~~shall~~ may also explain the provisions of sections
11 71-6903 and 71-6904 with regard to seeking a judicial waiver of the
12 parental notification requirements. The provisions of this section
13 shall be narrowly construed to ~~require~~ allow a school district to
14 provide only the information specified in this section. The
15 provisions of this section shall not be construed to ~~require~~ allow
16 a school district to provide specific information regarding how
17 students may implement the judicial ~~bypass~~ waiver provisions of
18 section 71-6903. The State Department of Education shall develop
19 and distribute to all public schools a standardized information
20 form which may be used to comply with this section. The
21 standardized information form shall be approved by the State Board
22 of Education following opportunity for public testimony at a public
23 hearing of the board.
24 Sec. 2. Original section 71-6909, Reissue Revised
1 Statutes of Nebraska, is repealed."

SELECT FILE

LEGISLATIVE BILL 743. The Beutler pending amendment, AM1972,
found in this day's Journal, to the Smith-Baker pending amendment,
AM1484, was renewed.

Senators Byars and Wehrbein asked unanimous consent to be excused. No
objections. So ordered.

Senator Friend moved the previous question. The question is, "Shall the

debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Beutler withdrew his amendment.

The Chair declared the call raised.

Senator Kruse asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler renewed his pending amendment, AM1567, found on page 1486, to the Smith-Baker pending amendment.

Senator Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Beutler amendment lost with 5 ayes, 19 nays, 18 present and not voting, and 7 excused and not voting.

Senator Bourne offered the following motion:
Bracket until January 15, 2004.

Pending.

AMENDMENTS - Print in Journal

Senators Landis and Jensen filed the following amendment to LB 572:
AM2040

(Amendments to Standing Committee amendments, AM1149)

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 69-2702, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 69-2702. For purposes of sections 69-2702 and 69-2703:
- 5 (1) Adjusted for inflation means increased in accordance
- 6 with the formula for inflation adjustment set forth in Exhibit C to
- 7 the Master Settlement Agreement;
- 8 (2) Affiliate means a person that directly or indirectly
- 9 owns or controls, is owned or controlled by, or is under common
- 10 ownership or control with, another person. Solely for purposes of
- 11 this subdivision, the terms owns, is owned, and ownership means
- 12 ownership of an equity interest, or the equivalent thereof, of ten
- 13 percent or more, and the term person means an individual,
- 14 partnership, committee, association, corporation, or any other
- 15 organization or group of persons;

16 (3) Allocable share means allocable share as that term is
17 defined in the Master Settlement Agreement;

18 (4) Cigarette means any product that contains nicotine,
19 is intended to be burned or heated under ordinary conditions of
20 use, and consists of or contains (a) any roll of tobacco wrapped in
21 paper or in any substance not containing tobacco; (b) tobacco, in
22 any form, that is functional in the product, which, because of its
23 appearance, the type of tobacco used in the filler, or its
1 packaging and labeling, is likely to be offered to, or purchased
2 by, consumers as a cigarette; or (c) any roll of tobacco wrapped in
3 any substance containing tobacco which, because of its appearance,
4 the type of tobacco used in the filler, or its packaging and
5 labeling, is likely to be offered to, or purchased by, consumers as
6 a cigarette described in ~~clause~~ subdivision (a) of this
7 subdivision. The term cigarette includes roll-your-own tobacco
8 (i.e., any tobacco which, because of its appearance, type,
9 packaging, or labeling is suitable for use and likely to be offered
10 to, or purchased by, consumers as tobacco for making cigarettes).
11 For purposes of this definition, ~~nine hundredths~~ nine-hundredths of
12 an ounce of roll-your-own tobacco shall constitute one individual
13 cigarette;

14 (5) Master Settlement Agreement means the settlement
15 agreement entered into on November 23, 1998, between the state and
16 specific United States tobacco product manufacturers and related
17 documents to such agreement;

18 (6) Qualified escrow fund means an escrow arrangement
19 with a federally or state-chartered financial institution having no
20 affiliation with any tobacco product manufacturer and having assets
21 of at least one billion dollars where such arrangement requires
22 that such financial institution hold the escrowed funds' principal
23 for the benefit of releasing parties and prohibits the tobacco
24 product manufacturer that places such funds into escrow from using,
25 accessing, or directing the use of the funds' principal except as
26 consistent with subdivision (2)(b) of section 69-2703;

27 (7) Released claims means released claims as that term is
1 defined in the Master Settlement Agreement;

2 (8) Releasing parties means releasing parties as that
3 term is defined in the Master Settlement Agreement;

4 (9) Tobacco product manufacturer means an entity that
5 after April 29, 1999, directly and not exclusively through any
6 affiliate:

7 (a) Manufactures cigarettes anywhere that such
8 manufacturer intends to be sold in the United States, including
9 cigarettes intended to be sold in the United States through an
10 importer (except when such importer is an original participating
11 manufacturer (as that term is defined in the Master Settlement
12 Agreement) that will be responsible for the payments under the
13 Master Settlement Agreement with respect to such cigarettes as a
14 result of the provisions of subsection II(mm) of the Master

15 Settlement Agreement and that pays the taxes specified in
16 subsection II(z) of the Master Settlement Agreement, and provided
17 that the manufacturer of such cigarettes does not market or
18 advertise such cigarettes in the United States);

19 (b) Is the first purchaser anywhere for resale in the
20 United States of cigarettes manufactured anywhere that the
21 manufacturer does not intend to be sold in the United States; or

22 (c) Becomes a successor of an entity described in
23 subdivision (9)(a) or (9)(b) of this section.

24 The term tobacco product manufacturer does not include an
25 affiliate of a tobacco product manufacturer unless such affiliate
26 itself falls within any of subdivisions (9)(a) through (9)(c) of
27 this section; and

1 (10) Units sold means the number of individual cigarettes
2 sold in the state by the applicable tobacco product manufacturer,
3 whether directly or through a distributor, retailer, or similar
4 intermediary or intermediaries, during the year in question, as
5 measured by excise taxes collected by the state on packs or
6 roll-your-own tobacco containers, ~~bearing the excise tax stamp of~~
7 ~~the state~~. The Tax Commissioner shall adopt and promulgate such
8 rules and regulations as are necessary to ascertain the amount of
9 state excise tax paid on the cigarettes of such tobacco product
10 manufacturer for each year."

11 2. On page 4, strike lines 2 through 6 and insert the
12 following new subdivision:

13 "(ii) That such non-participating manufacturer has
14 established and continues to maintain a qualified escrow fund
15 pursuant to a qualified escrow agreement that has been reviewed and
16 approved by the Attorney General or has been submitted for review
17 by the Attorney General."

18 3. On page 10, line 26, strike "sold".

19 4. On page 12, strike beginning with "Before" in line 2
20 through "(2)" in line 27 and insert "Before any tobacco product
21 manufacturer may be removed from the directory, the Tax
22 Commissioner shall provide the tobacco product manufacturer thirty
23 days' notice of the intended action and shall post the notice on
24 the directory. The tobacco product manufacturer shall have thirty
25 days to come into compliance with sections 69-2701 to 69-2703 and
26 sections 1 to 7 of this act or in the alternative, secure a
27 temporary injunction against removal in the district court of
1 Lancaster County. For the purposes of the temporary injunction
2 sought pursuant to this subsection, loss of the ability to sell
3 tobacco products as a result of removal from the directory shall
4 constitute irreparable harm. If after thirty days the tobacco
5 product manufacturer remains in noncompliance and has not obtained
6 a temporary injunction pursuant to this subsection, the tobacco
7 product manufacturer shall be removed from the directory.
8 (2) If the Tax Commissioner determines that a tobacco
9 product manufacturer shall not be included in the directory, such

10 manufacturer may request a contested case before the Tax
11 Commissioner under the Administrative Procedure Act. The Tax
12 Commissioner shall notify the tobacco product manufacturer in
13 writing of the determination not to include it in the directory. A
14 request for hearing shall be made within thirty calendar days after
15 the date of the determination that the manufacturer shall not be
16 included in the directory and shall contain the evidence supporting
17 the manufacturer's compliance with section 69-2703 and sections 1
18 to 7 of this act. The hearing shall be held within sixty days
19 after the request. At the hearing, the Tax Commissioner shall
20 determine whether the tobacco product manufacturer is in compliance
21 with section 69-2703 and sections 1 to 7 of this act and whether
22 the manufacturer should be listed in the directory. A final
23 decision shall be rendered within thirty days after the hearing.
24 Any decision of the Tax Commissioner may be appealed under the
25 Administrative Procedure Act.
26 (3)".

27 5. On page 13, line 9, strike "(3)" and insert "(4)".

- 1 6. Renumber the remaining sections and correct the
- 2 repealer and internal references accordingly.

Senators Stuhr and Bromm filed the following amendment to LB 48:
AM2060

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. There is hereby appropriated (1) \$50,000
- 4 from the General Fund for FY2003-04 and (2) \$50,000 from the
- 5 General Fund for FY2004-05 to the Department of Economic
- 6 Development, for Program 601.
- 7 No expenditures for permanent and temporary salaries and
- 8 per diems for state employees shall be made from funds appropriated
- 9 in this section.
- 10 Sec. 2. Since an emergency exists, this act takes effect
- 11 when passed and approved according to law."

Senators Bromm and Chambers filed the following amendment to LB 209:
AM2059

- 1 1. Strike original section 5 and insert the following
- 2 new section:
- 3 "Sec. 5. Section 60-6,206, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 ~~60-6,206.~~ (1) At the expiration of thirty days after the
- 6 date of arrest pursuant to section 60-6,197 or if after a hearing
- 7 pursuant to section ~~60-6,205~~ 4 of this act the Director of Motor
- 8 Vehicles finds that the operator's license should be revoked, the
- 9 director shall (a) revoke the operator's license of a person
- 10 arrested for refusal to submit to a chemical test of blood, breath,
- 11 or urine as required by section 60-6,197 for a period of one year
- 12 and (b) revoke the operator's license of a person who submits to a

13 chemical test pursuant to such section which discloses the presence
14 of a concentration of alcohol specified in section 60-6,196 for a
15 period of ninety days unless the person's driving record abstract
16 maintained in the department's computerized records shows one or
17 more prior administrative license revocations on which final orders
18 have been issued during the immediately preceding twelve-year
19 period at the time the order of revocation is issued, in which case
20 the period of revocation shall be one year. Except as otherwise
21 provided in section 60-6,211.05, a new operator's license shall not
22 be issued to such person until the period of revocation has
23 elapsed. If the person subject to the revocation is a nonresident
24 of this state, the director shall revoke only the nonresident's
1 operating privilege as defined in section 60-474 of such person and
2 shall immediately forward the operator's license and a statement of
3 the order of revocation to the person's state of residence.

4 (2) At the expiration of thirty days after an order of
5 revocation is entered under subsection (1) of this section, (a) any
6 person whose operator's license has been administratively revoked
7 for a period of ninety days for submitting to a chemical test
8 pursuant to section 60-6,197 which disclosed the presence of a
9 concentration of alcohol in violation of section 60-6,196 may make
10 application to the director for issuance of an employment driving
11 permit pursuant to section 60-4,130 and (b) any person who
12 submitted to a chemical test pursuant to section 60-6,197 and has
13 his or her operator's license revoked for ninety days pursuant to
14 subsection (1) of this section is eligible for an order pursuant to
15 section 60-6,211.05 to operate a motor vehicle equipped with an
16 ignition interlock device upon presentation of sufficient evidence
17 to the Department of Motor Vehicles that such a device is
18 installed.

19 This subsection shall not apply to nor shall any person
20 be eligible for the benefit of this subsection during any period of
21 time during which his or her operator's license is subject to an
22 administrative revocation order for refusal to submit to a chemical
23 test of blood, breath, or urine as required by section 60-6,197 or
24 is subject to a one-year revocation under subdivision (1)(b) of
25 this section.

26 (3) A person may have his or her eligibility for a
27 license reinstated upon payment of a reinstatement fee as required
1 by section 60-694.01.

2 (4)(a) A person whose operator's license is subject to
3 revocation pursuant to subsection (3) of section 60-6,205 shall
4 have all proceedings dismissed or his or her operator's license
5 immediately reinstated without payment of the reinstatement fee
6 upon receipt of suitable evidence by the director that:

7 (i) Within (a) within the thirty-day period following the
8 date of arrest, the prosecuting attorney responsible for the matter
9 declined to file a complaint alleging a violation of section
10 60-6,196; (b) the charge was dismissed; or (c) the defendant, at

11 and notified the director by first class mail or facsimile
12 transmission of such decision and the director received such notice
13 within such period or the notice was postmarked within such period;
14 or
15 (ii) The defendant, after trial, was found not guilty of
16 violating such section 60-6,196 or such charge was dismissed on the
17 merits by the court.
18 (b) The director shall adopt and promulgate rules and
19 regulations establishing standards for the presentation of suitable
20 evidence of compliance with subdivision (a); ~~(b)~~; ~~or~~ (c) of this
21 subsection.
22 (c) If a charge is filed for a violation of section
23 60-6,196 pursuant to an arrest for which all proceedings were
24 dismissed under this subsection, the prosecuting attorney shall
25 notify the director by first class mail or facsimile transmission
26 of the filing of such change and the director may reinstate an
27 administrative license revocation under this section as of the date
1 that the director receives notification of the filing of the
2 charge, except that a revocation shall not be reinstated if it was
3 dismissed pursuant to section 60-6,205."

UNANIMOUS CONSENT - Add Cointroducer

Senator Chambers asked unanimous consent to have his name added as cointroducer to LB 48. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Brashear withdrew his name as cointroducer to LB 48.

VISITORS

Visitors to the Chamber were 44 fourth-grade students and teachers from Paddock Lane Elementary School, Beatrice; and 53 fourth-grade students and teachers from West Point.

ADJOURNMENT

At 6:23 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Thursday, May 22, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 22, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 22, 2003

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 Senator Landis who was excused; and Senator Mines who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 43, 73, 73A, 95, 95A, and 643.

(Signed) Ray Mossey, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 21, 2003, 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

Cutshall & Associates

ACS State and Local Solutions, Inc.

O'Hara, Lindsay & Associates, Inc.
Four-T Corporation

Sholl, Arthur F.
Engineers, American Society of Mechanical (Withdrawn 05/19/2003)

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority

Clean Water State Revolving Fund Revenue Bonds Series 2002 C
Drinking Water State Revolving Fund Revenue Bonds Series 2002 A

SELECT FILE

LEGISLATIVE BILL 209A. Senator Bromm renewed his pending amendment, AM2024, found on page 1984.

The Bromm amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 626A. Senator Preister offered the following amendment:

AM2063

- 1 1. On page 2, lines 1 and 2 and 3 and 4, strike "\$2,757
- 2 from the General Fund,"; in line 2 strike the last comma; and in
- 3 line 5 strike the first comma.

The Preister amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

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 46 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 46. With Emergency.

A BILL FOR AN ACT relating to criminal justice; to amend sections 29-2250, 29-2252, 29-2254, 29-2263, 29-2266, 29-2269, 81-1423, 83-1,102, 83-1,107, 83-1,110, 83-1,111, 83-1,123, 83-1,125, 83-1,135, 83-4,146, and 83-933, Reissue Revised Statutes of Nebraska, sections 28-416, 29-2259.01, 29-2262, 29-2709, 81-1425, and 83-1,118, Revised Statutes Supplement, 2002, and section 29-2261, Revised Statutes Supplement, 2002, as amended by section 9, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to adopt the Interstate Compact for Adult Offender Supervision; to adopt the Community Corrections Act and the Correctional System Overcrowding Emergency Act; to create the Community Corrections Council; to change provisions relating to drug abuse treatment and counseling, presentence investigations, probation, parole, good time, and work camp costs; to provide for fees; to create funds; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; to eliminate the Community Correctional Facilities and Programs Act and the Uniform Act for Out-of-State Parolee Supervision; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 29-2637, 29-2638, 47-601, 47-602, and 47-604 to 47-618, Reissue Revised Statutes of Nebraska, and section 47-603, Revised Statutes Supplement, 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	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis Mines

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 bills were read and put upon final passage:

LEGISLATIVE BILL 46A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 46, Ninety-eighth Legislature, First Session, 2003; to reduce appropriations; 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	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis Mines

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 66. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-1310, Revised Statutes Supplement, 2002; to change provisions relating to reimbursements from the School Technology Fund; 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	Combs	Janssen	Mossey	Schrock
Baker	Cudaback	Jensen	Pedersen, Dw.	Smith
Beutler	Cunningham	Johnson	Pederson, D.	Stuhr
Brashear	Engel	Jones	Preister	Stuthman
Bromm	Erdman	Kremer	Price	Synowiecki
Brown	Foley	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Tyson
Byars	Hartnett	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Bourne Connealy

Excused and not voting, 2:

Landis Mines

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 66A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 66, Ninety-eighth Legislature, First Session, 2003; 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	Combs	Janssen	Mossey	Schrock
Baker	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Johnson	Pederson, D.	Stuthman
Brashear	Engel	Jones	Preister	Synowiecki
Bromm	Erdman	Kremer	Price	Thompson
Brown	Foley	Kruse	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Bourne Connealy Smith

Excused and not voting, 2:

Landis Mines

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 146.

A BILL FOR AN ACT relating to medical liability; to amend sections 44-2825, 44-2827, 44-2829, and 44-2831, Reissue Revised Statutes of Nebraska, and sections 44-2840 and 44-2842, Revised Statutes Supplement, 2002; to change provisions relating to recoverable amounts, filing of proof of insurance, notice, surcharges, and medical review panel proceedings under the Nebraska Hospital-Medical Liability Act; to provide immunity for volunteer medical personnel; 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	Combs	Janssen	Pederson, D.	Stuthman
Baker	Connealy	Jensen	Preister	Synowiecki
Beutler	Cudaback	Jones	Price	Thompson
Bourne	Cunningham	Kremer	Quandahl	Tyson
Brashear	Engel	Kruse	Raikes	Vrtiska
Bromm	Erdman	Louden	Redfield	Wehrbein
Brown	Foley	Maxwell	Schimek	
Burling	Friend	McDonald	Schrock	
Byars	Hartnett	Mossey	Smith	
Chambers	Hudkins	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

Excused and not voting, 2:

Landis Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 156.

A BILL FOR AN ACT relating to information; to amend sections 8-1401 and 8-1402, Revised Statutes Supplement, 2002; to change provisions relating to disclosure of confidential information; 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	Combs	Hudkins	McDonald	Schrock
Baker	Connealy	Janssen	Mossey	Smith
Bourne	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Johnson	Preister	Stuthman
Bromm	Engel	Jones	Price	Synowiecki
Brown	Erdman	Kremer	Quandahl	Thompson
Burling	Foley	Kruse	Raikes	Tyson
Byars	Friend	Louden	Redfield	Vrtiska
Chambers	Hartnett	Maxwell	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Beutler Pederson, D.

Excused and not voting, 2:

Landis Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 168. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2002; 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.

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	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis Mines

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 210.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-125.01, Reissue Revised Statutes of Nebraska, and section 48-106, Revised Statutes Supplement, 2002; to change applicability; to change penalties; 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	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 249. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-235, Reissue Revised Statutes of Nebraska, and sections 79-2,125 to 79-2,128 and 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002; to change provisions relating to eligibility for extracurricular activities; to change and eliminate provisions of the Public Elementary and Secondary Student Fee Authorization Act; to harmonize provisions; to repeal the original sections; to outright repeal section 79-2,130, Revised Statutes Supplement, 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	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis Mines

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 513.

A BILL FOR AN ACT relating to postsecondary educational institutions; to provide duties relating to meningococcal disease.

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	Cudaback	Jensen	Pederson, D.	Stuhr
Beutler	Cunningham	Johnson	Preister	Stuthman
Bourne	Engel	Jones	Price	Synowiecki
Brashear	Erdman	Kremer	Quandahl	Thompson
Burling	Foley	Kruse	Raikes	Tyson
Byars	Friend	Maxwell	Redfield	Vrtiska
Chambers	Hartnett	McDonald	Schimek	Wehrbein
Combs	Hudkins	Mossey	Schrock	
Connealy	Janssen	Pedersen, Dw.	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Baker	Bromm	Brown	Louden

Excused and not voting, 2:

Landis	Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 754.

A BILL FOR AN ACT relating to agriculture; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to state intent; to provide for designation of livestock friendly counties; to provide powers and duties; to change provisions relating to zoning; 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, 39:

Aguilar	Connealy	Hudkins	Maxwell	Schrock
Baker	Cudaback	Janssen	Mossey	Smith
Brashear	Cunningham	Jensen	Pedersen, Dw.	Stuhr
Bromm	Engel	Johnson	Pederson, D.	Stuthman
Brown	Erdman	Jones	Price	Tyson
Burling	Foley	Kremer	Quandahl	Vrtiska
Byars	Friend	Kruse	Raikes	Wehrbein
Combs	Hartnett	Louden	Redfield	

Voting in the negative, 5:

Chambers	McDonald	Preister	Schimek	Thompson

Present and not voting, 3:

Beutler Bourne Synowiecki

Excused and not voting, 2:

Landis Mines

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 760 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 760. With Emergency.

A BILL FOR AN ACT relating to judicial administration; to amend sections 33-106, 33-138, 42-720, and 48-191, Reissue Revised Statutes of Nebraska, and sections 24-703, 25-21,223, 25-2221, 25-2921, 29-3920, 29-3921, 29-3930, 29-3931, 49-1203, 76-1442, and 83-4,125, Revised Statutes Supplement, 2002; to create a fund; to require continuing education and training; to provide for an advisory committee; to increase and provide for fees; to change judges' retirement provisions; to provide duties for the State Court Administrator; to change powers and duties of the Commission on Public Advocacy; to provide for nonjudicial days; to provide powers for the Chief Justice; 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	Connealy	Jensen	Pederson, D.	Stuthman
Baker	Cudaback	Johnson	Preister	Synowiecki
Beutler	Cunningham	Jones	Price	Thompson
Bourne	Engel	Kremer	Quandahl	Tyson
Brashear	Erdman	Kruse	Raikes	Vrtiska
Bromm	Foley	Louden	Redfield	Wehrbein
Brown	Friend	Maxwell	Schimek	
Burling	Hartnett	McDonald	Schrock	
Byars	Hudkins	Mossey	Smith	
Combs	Janssen	Pedersen, Dw.	Stuhr	

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Landis Mines

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 760A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 760, Ninety-eighth Legislature, First Session, 2003; to reduce appropriations 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, 44:

Aguilar	Combs	Hudkins	Mossey	Smith
Baker	Conneally	Janssen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jensen	Pederson, D.	Stuthman
Bourne	Cunningham	Johnson	Preister	Synowiecki
Brashear	Engel	Jones	Price	Thompson
Bromm	Erdman	Kremer	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Kruse Schimek

Excused and not voting, 2:

Landis Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Return LB 209 to Select File

Senator Bromm moved to return LB 209 to Select File for the Bromm-Chambers specific pending amendment, AM2059, found on page 1995.

The Bromm motion to return prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209. The Bromm-Chambers specific pending amendment, AM2059, found on page 1995, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 572. Title read. Considered.

The Standing Committee amendment, AM1149, printed separately and referred to on page 1155, was considered.

Senator Jensen withdrew the Landis-Jensen pending amendment, AM1555, found on page 1577.

Senator Jensen renewed the Landis-Jensen pending amendment, AM2040, found on page 1992, to the Standing Committee amendment.

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

The Landis-Jensen amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The Standing Committee 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 review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 65. Title read. Considered.

The Standing Committee amendment, AM0271, found on page 466, was considered.

Senator Connealy asked unanimous consent to be excused. No objections. So ordered.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Schrock withdrew his pending amendment, AM0378, found on page 622.

Senator Preister withdrew his pending amendment, AM0695, found on page 1235.

Senator Preister renewed his pending amendment, AM1768, found on page 1672, to the Standing Committee amendment.

The Preister 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 32 ayes, 0 nays, 12 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 172. Title read. Considered.

Senator Erdman asked unanimous consent to bracket LB 172 until January 1, 2004. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 17. E & R amendment, AM7148, printed separately and referred to on page 1980, was adopted.

Senator Synowiecki offered the following amendment:
AM2056

(Amendments to E & R amendments, AM7148)

- 1 1. On page 13, line 19, after "Outpatient" insert "or
- 2 inpatient".

The Synowiecki amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 536. E & R amendment, AM7151, printed separately and referred to on page 1981, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 467. E & R amendment, AM7149, printed separately and referred to on page 1981, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 430. E & R amendment, AM7147, found on page 1980, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 720. E & R amendment, AM7150, found on page 1981, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 721. E & R amendment, AM7146, printed separately and referred to on page 1981, was adopted.

Advanced to E & R for engrossment.

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

GENERAL FILE

LEGISLATIVE BILL 270. Title read. Considered.

The Standing Committee amendment, AM0317, found on page 479, was considered.

SPEAKER BROMM PRESIDING

Senators Burling and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 46, 46A, 66, 66A, 146, 156, 168, 210, 249, 513, 754, 760, and 760A.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 126 and 131 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 126 and 131.

GENERAL FILE

LEGISLATIVE BILL 270. Senator Chambers offered the following motion:
Bracket until May 27, 2003.

Senators Mines, Preister, Quandahl, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his motion to bracket.

The Standing Committee amendment, AM0317, found on page 479 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bill was correctly engrossed: LB 608.

ER9081

Enrollment and Review Change to LB 608

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bromm et al. amendment, AM2005:

a. On page 5, line 5, "section" has been struck and "act" inserted; and in line 9 an underscored comma has been inserted after "census";

b. On page 8, line 19, "payment" has been struck and "repayment" inserted;

c. On page 11, line 1, an underscored comma has been inserted after "allowed";

d. On page 15, line 5, "or average investment" has been struck and shown as stricken; and

e. On page 17, line 15, "become" has been struck and "becomes" inserted; in line 16 "and" has been inserted after the last comma; and in line 21 a comma has been inserted after "Nebraska".

2. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "revenue and taxation; to amend sections 77-27,188.01, 77-27,189, and 77-27,191, Reissue Revised Statutes of Nebraska, and sections 77-27,187 to 77-27,188, 77-27,188.02, 77-27,190, 77-27,194, and 77-27,195, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the Employment Expansion and Investment Incentive Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 13-2113, Reissue Revised Statutes of Nebraska, and section 77-27,193, Revised Statutes Supplement, 2002." inserted.

(Signed) Ray Mossey, Chairperson

MOTIONS - Print in Journal

Senator Brashear filed the following motion to LB 270:

Suspend Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 270 without further amendment or debate.

Senator Brashear filed the following motion to LB 270:

Suspend Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 270 without further amendment or debate.

Senator Brashear filed the following motion to LB 270:

Suspend Rule 6, Sections 6, 7 and 8, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 270 without further amendment or debate.

AMENDMENT - Print in Journal

Senator Janssen filed the following amendment to LB 461:

AM1413

- 1 1. On page 2, lines 17 through 22, strike new matter and
- 2 insert "The three candidates receiving the highest number of votes
- 3 at the general election shall be the officers of the township
- 4 board, and the three officers shall determine between themselves
- 5 which officer shall serve as township clerk, township treasurer,
- 6 and chairperson of the township board.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 2003, at 12:00 p.m. were the following: LBs 46e, 46Ae, 66e, 66Ae, 146, 156, 168e, 210, 249e, 513, 754, 760e, and 760Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 188. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 40; Erdman, 47; Johnson, 37; Maxwell, 9; Stuthman, 22.

PURPOSE: The purpose of this study is to examine and address health and human services issues within the jurisdiction of the Health and Human Services Committee of the Legislature, including, but not limited to: Health and human services research, planning, and evaluation; the statewide behavioral health system; the Nebraska Mental Health Commitment Act; health insurance availability and affordability; prescription drug access and policy; the medical assistance program established in section 68-1018; the Nebraska Health Care Funding Act; public health law and policy; the Nebraska health and Human Services System; the Nebraska Clean Indoor Air Act; the Uniform Licensing Law; the regional administrative structure for the delivery of state developmental disability, mental health, and aging programs and services; marriage and family preservation; children in out-of-home care; the Welfare Reform Act; and state public assistance programs.

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

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB 760.

(Signed) Mick Mines

MESSAGES FROM THE GOVERNOR

May 19, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been appointed to the Advisory Commission on Compulsive Gambling.

APPOINTEES:

Lynda McNulty, 3117 S 145th St, Omaha, NE 68137

Wayne Choat, 1311 Beaver St, St. Edward, NE 68660

*Francis McGill, 9313 Decatur Plaza Circle, Omaha, NE 68114

*Susan Parascand, 630 Wedgewood Dr, Lincoln, NE 68510

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

May 19, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission for the Blind and Visually Impaired.

APPOINTEE:

Nancy Oltman, 518 N Bellevue, Hastings, NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

May 21, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been reappointed to the Commission of Industrial Relations.

APPOINTEE:

Loren Lindahl, 942 Hackberry, Wahoo, NE 68066

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

VISITORS

Visitors to the Chamber were students and sponsors from Washington County; 18 fourth-grade students and teachers from Prairie Lane Elementary School, Omaha; 36 fourth-grade students and teachers from Minne Lusa Elementary School, Omaha; Senator Mines' wife and children, Katie, Laini, and Billy, from Blair; and Dan and Cindy Flammang from Scottsbluff.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:25 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, May 27, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 27, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 27, 2003

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 Senator Dw. Pedersen who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 572. Placed on Select File as amended.

(E & R amendment, AM7153, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 65. Placed on Select File as amended.

E & R amendment to LB 65:

AM7152

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 70-1001.01, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 70-1001.01. For ~~the~~ purposes of sections 70-1001 to
- 6 70-1027 and section 3 of this act, unless the context otherwise
- 7 requires:
- 8 (1) Board means the Nebraska Power Review Board;
- 9 (2) Electric suppliers or suppliers of electricity means
- 10 any legal entity supplying, producing, or distributing electricity

11 within the state for sale at wholesale or retail;
12 (3) Regional transmission organization means an entity
13 independent from those entities generating or marketing electricity
14 at wholesale or retail, which has operational control over the
15 electric transmission lines in a designated geographic area in
16 order to reduce constraints in the flow of electricity and ensure
17 that all power suppliers have open access to transmission lines for
18 the transmission of electricity;

19 (4) Representative organization means an organization
20 designated by the board and organized for the purpose of providing
21 joint planning and encouraging maximum cooperation and coordination
22 among electric suppliers. Such organization shall represent
23 electric suppliers owning a combined electric generation plant
24 capacity of at least ninety percent of the total electric

1 generation plant capacity constructed and in operation within the
2 state;

3 (5) State means the State of Nebraska; and

4 (6) Unbundled retail rates means the separation of
5 utility bills into the individual price components for which an
6 electric supplier charges its retail customers, including, but not
7 limited to, the separate charges for the generation, transmission,
8 and distribution of electricity.

9 Sec. 2. Section 70-1014, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 70-1014. After hearing, the board shall have authority
12 to approve or deny the application. Before Except as provided in
13 section 3 of this act for special generation applications, before
14 approval of an application, the board shall find that the
15 application will serve the public convenience and necessity, and
16 that the applicant can most economically and feasibly supply the
17 electric service resulting from the proposed construction or
18 acquisition, without unnecessary duplication of facilities or
19 operations.

20 Sec. 3. An application by a municipality, a registered
21 group of municipalities, a public power district, a public power
22 and irrigation district, an electric cooperative, an electric
23 membership association, or any other governmental entity for a
24 facility that will generate not more than ten thousand kilowatts of
25 electric energy at rated capacity and will generate electricity
26 using solar, wind, biomass, landfill gas, methane gas, or
27 hydropower generation technology or an emerging generation
1 technology, including, but not limited to, fuel cells and
2 micro-turbines, shall be deemed a special generation application.
3 Such application shall be approved by the board if the board finds
4 that (1) the application qualifies as a special generation
5 application, (2) the application will provide public benefits
6 sufficient to warrant approval of the application, although it may
7 not constitute the most economically feasible generation option,
8 and (3) the application under consideration represents a separate

9 and distinct project from any previous special generation
 10 application the applicant may have filed.

11 Sec. 4. Original section 70-1014, Reissue Revised
 12 Statutes of Nebraska, and section 70-1001.01, Revised Statutes
 13 Supplement, 2002, are repealed."

14 2. On page 1, strike beginning with the first semicolon
 15 in line 2 through line 5 and insert ", and section 70-1001.01,
 16 Revised Statutes Supplement, 2002; to authorize special generation
 17 applications as prescribed; to provide duties for the Nebraska
 18 Power Review Board; to harmonize provisions; and to repeal the
 19 original sections."

Correctly Engrossed

The following bills were correctly engrossed: LBs 17, 209, 209A, 430, 467, 536, 626A, and 721.

ER9073

Enrollment and Review Change to LB 209

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bromm-Chambers amendment, AM2059:

a. On page 3, line 3, "60-6,205" has been struck, shown as stricken, and "4 of this act" inserted; and in line 26 "change" has been struck and "charge" inserted; and

b. On page 4, line 3, "60-6,205" has been struck and "4 of this act" inserted.

2. On page 1, line 2, "60-1513," has been inserted after "60-6,211.04,"; in line 8 "to provide for a transfer of funds;" has been inserted after the semicolon; in line 9 "to create a fund;" has been inserted after the first semicolon; and lines 10 and 11 have been struck and "to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

ER9083

Enrollment and Review Change to LB 721

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7146, on page 8, line 17, "(a)" has been struck and "(1)" inserted; and in line 18 "(b)" has been struck and "(2)" inserted.

(Signed) Ray Mossey, Chairperson

MESSAGES FROM THE GOVERNOR

May 23, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 46e, 46Ae, 760e, and 760Ae were received in my office on May 22, 2003. I signed these bills and they were delivered to the Secretary of State on May 23, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 402e, 403e, 403Ae, 404e, 405e, 406e, 408e, 410e, 411e, 412e, 414e, 415e, 424e, 440e, 685e, 796e, 798e, 799e, 804, and 806e were received in my office on May 20, 2003. I signed these bills and they were delivered to the Secretary of State on May 26, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 2003

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 407 without my signature and with my objections.

We disagree on the philosophical premise from which to frame state spending over the next two fiscal years. Over four and one-half months ago, I delivered a proposal for the 2003-2005 budget biennium for your

consideration. These recommendations were based upon five principles:

- 1) that the State budget must reflect economic reality;
- 2) that spending reductions must be the major part of the budget solution-not tax increases;
- 3) that overall structural balance had to be accomplished so that spending will not forever outpace our citizens' ability to pay for their government;
- 4) that we first meet our core responsibilities for safe communities, ensuring care for our most vulnerable citizens, and the health and safety of our children; and
- 5) that the State cash reserve fund be protected and increased because of continued economic uncertainty and as a contingency against the possibility of an adverse opinion in the low-level radioactive waste site litigation.

I acknowledged that the recommendations presented for your consideration represented stout fiscal medicine and that difficult choices to reduce spending could not be avoided. My overall budget recommendations reduced the budget by 2.9 percent for fiscal year 2004 and maintained a no-growth budget for the budget biennium.

Legislative Bill 407 and certain other budget-related legislation you have presented to me are in conflict with the basis of my original budget recommendations and my continuing position about the size of state spending that can be afforded by the citizens of Nebraska during these difficult economic times. LB 407 does not reduce the state budget. According to your own general fund financial status, spending will grow by over 1% for fiscal year 2004 and by over 2.4% for the budget biennium. This spending increase is financed by sales taxes, income taxes, excise taxes, and the taxation of additional services.

Furthermore, safe communities have been, and continue to be, a priority in my administration. As you know, I take great exception with your decision to eliminate \$7.3 million dollars necessary to incarcerate convicted felons – a reduction that you intend be accomplished by closing the Lincoln Correctional Center and releasing inmates into our communities.

Additionally, I urged you to protect and increase our Cash Reserve Fund because of continued economic uncertainties and a possible adverse opinion in our low-level radioactive waste litigation. You used monies from this fund to balance your spending plan.

Legislative Bill 407 and the other budget-related legislation you presented to me conflicts with the policy principles that I asked you to consider. The legislation represents spending in excess of that which can be afforded by Nebraskans during these difficult economic times.

For these reasons, I urge you to sustain my veto of Legislative Bill 407.

2024

LEGISLATIVE JOURNAL

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 2003

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 540 without my signature and with my objections.

I appreciate the difficult decision that the Legislature has made to address our State's current budget shortfall by including a reduction in public school aid and community college aid funding for the next two fiscal years. I cannot, however, support the provisions of the bill that raise the maximum allowable levy from \$1.00 to \$1.05 without a vote of the people. I firmly believe that Nebraskans are asking for greater spending restraint at all levels of government. That is not the approach taken by this legislation. Rather, if the full authority granted by LB 540 were exercised by schools and community colleges, property taxes levied statewide in the next fiscal year, alone, could be increased by \$63 million dollars.

LB 540 provides a two-year approach to the direction that our State is heading with respect to our school aid formula. The bill fails to address the anticipated growth that the current formula will generate in the out-biennium and into the future. I believe that, collectively, we need to address this critical spending issue.

For these reasons, I urge you to sustain my veto of LB 540.

Sincerely,
(Signed) Mike Johanns
Governor

May 26, 2003

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 759 and LB 759A without my signature and with my

objections.

LB 759 makes the cigarette, income and sales tax rate increases approved in the last legislative session permanent, expands the sales tax base, increases the alcohol tax, and makes other tax changes. Collectively, the tax increases proposed in the bill have been characterized as only being intended to "fill-in the gap" between the proposed General Fund appropriations for the biennium and existing, available revenue. This approach to taxation appears to be driven by the needs of government spending rather than by a long-term policy perspective.

Once again, the Legislature is balancing the State's budget by asking Nebraskans to pay more taxes from their already limited resources. Annualized over the next four calendar years, these tax increases reflect a nearly \$1 billion dollar drain on Nebraskans' wallets. This increased tax burden makes it more expensive for our small businesses to operate, for our families to thrive, and for our retirees to live on their fixed incomes.

As proposed in LB 759, these taxes are permanent increases. Even still, the receipts that these taxes will bring us provide only a short-term solution. The General Fund Financial Status, calculated by your fiscal office, already anticipates annual spending growth to be 9.9% in FY2005-06 and 7.5% in FY2006-07. This nearly double-digit projected growth in state spending coupled with tax revenues that are forecasted to increase – even under the rosiest of scenarios – by only 5.5% - 7% per year continue to take Nebraska down an unfortunate path of unsustainable spending growth and uncertain fiscal stability.

I urge you to sustain my vetoes of LB 759 and LB 759A.

Sincerely,
(Signed) Mike Johanns
Governor

May 22, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been appointed to the Environmental Trust Board.

APPOINTEES:

Barbara J. Batie, 43590 Rd 761, Lexington, NE 68850
Robert Ravenscroft, 3340 Potomac Dr, Lincoln, NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Choat, Wayne - Advisory Commission on Compulsive Gambling - General Affairs

Lindahl, Loren - Commission of Industrial Relations - Business and Labor

McGill, Francis - Advisory Commission on Compulsive Gambling - General Affairs

McNulty, Lynda - Advisory Commission on Compulsive Gambling - General Affairs

Oltman, Nancy - Commission for the Blind and Visually Impaired - Health and Human Services

Parascand, Susan - Advisory Commission on Compulsive Gambling - General Affairs

Batie, Barbara J. - Environmental Trust Board - Natural Resources

Ravenscroft, Robert - Environmental Trust Board - Natural Resources

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

2003 Resolution calling for an Interim Study

LR 188 Interim study to examine issues under the jurisdiction of the Health and Human Services Committee
Health and Human Services

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

GENERAL FILE**LEGISLATIVE BILL 743A.** Title read. Considered.

Senator Bourne offered the following amendment:
FA1389

Beginning in line one, strike "(1)" through "and" in line two. In line 9, strike "\$54,674" through "or"
Renumber accordingly.

The Bourne amendment was adopted with 29 ayes, 2 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

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

SELECT FILE**LEGISLATIVE BILL 608A.** Senator Landis offered the following amendment:

AM2080

- 1 1. Strike original section 1 and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$108,523
- 4 from the General Fund for FY2003-04 and (2) \$172,316 from the
- 5 General Fund for FY2004-05 to the Department of Revenue, for
- 6 Program 102, to aid in carrying out the provisions of Legislative
- 7 Bill 608, Ninety-eighth Legislature, First Session, 2003.
- 8 Total expenditures for permanent and temporary salaries
- 9 and per diems from funds appropriated in this section shall not
- 10 exceed \$63,026 for FY2003-04 or \$125,853 for FY2004-05.
- 11 Sec. 2. There is hereby appropriated (1) \$64,141 from
- 12 the General Fund for FY2003-04 and (2) \$65,684 from the General
- 13 Fund for FY2004-05 to the Department of Revenue, for Program 102,
- 14 to aid in carrying out the provisions of Legislative Bill 596,
- 15 Ninety-eighth Legislature, First Session, 2003.
- 16 Total expenditures for permanent and temporary salaries
- 17 and per diems from funds appropriated in this section shall not
- 18 exceed \$51,313 for FY2003-04 or \$52,547 for FY2004-05."
- 19 2. On page 1, line 2, strike "Bill" and insert "Bills
- 20 596 and".

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

SENATOR VRTISKA PRESIDING

The Landis 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.

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

LEGISLATIVE BILL 790A. Senator Landis offered the following amendment:

AM2085

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$100,000
- 4 from the General Fund and \$744,452 from the Public Service
- 5 Commission Regulation Fund for FY2003-04 and (2) \$748,719 from the
- 6 Public Service Commission Regulation Fund for FY2004-05 to the
- 7 Public Service Commission, for Program 790, to aid in carrying out
- 8 the provisions of Legislative Bill 790, Ninety-eighth Legislature,
- 9 First Session, 2003.
- 10 Total expenditures for permanent and temporary salaries
- 11 and per diems from funds appropriated in this section shall not
- 12 exceed \$154,000 for FY2003-04 or \$157,758 for FY2004-05.
- 13 On or before June 30, 2004, the State Treasurer shall
- 14 transfer \$100,000 from the Public Service Commission Regulation
- 15 Fund to the General Fund."

The Landis amendment was adopted with 30 ayes, 0 nays, 15 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.

Advanced to E & R for engrossment.

MOTION - Return LB 439 to Select File

Senator Beutler moved to return LB 439 to Select File for the following specific amendment:

AM2073

(Amendments to Final Reading copy)

- 1 1. Strike section 27 and insert the following new
- 2 sections:
- 3 "Sec. 11. The Nebraska Capitol Commission shall provide

4 advice to the State Capitol Administrator in carrying out this
5 section. The administrator shall establish policies and guidelines
6 for the implementation of the approved Capitol Landscape
7 Restoration Master Plan on and around the capitol grounds and site
8 development in and around the State Capitol and capitol grounds and
9 establish policies and guidelines for use of the State Capitol's
10 preservation and adaptive-use spaces including the adoption of a
11 document of standards. The administrator, with the advice of the
12 Nebraska Capitol Commission, may adopt and promulgate rules and
13 regulations to carry out this section.

14 The landscaping may begin as soon as practicable during
15 the renovation of the capitol structure, and at least seventy
16 percent of the landscaping design shall be completed by the
17 completion of the Capitol Masonry Restoration Project begun in
18 1998. Implementation of the landscaping shall be coordinated with
19 the progress of work on the Capitol Masonry Restoration Project.

20 Sec. 28. Section 81-1108.38, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-1108.38. It shall be the duty of the Nebraska Capitol
23 Commission to provide advice to the Department of Administrative
24 Services in carrying out this section. The department shall (1)
25 establish policies and guidelines for the proper conservation,
26 restoration, and enhancement of the State Capitol and its
27 furnishings; (2) establish policies and guidelines for the
28 implementation of the approved Capitol Landscape Restoration Master
29 Plan on and around the capitol grounds and site development in and
30 around the State Capitol and on all other state-owned property
31 located within the Nebraska State Capitol Environs District other
32 than the State Capitol and capitol grounds, (3) (2) participate
33 with the commission created pursuant to section 90-306 to conserve,
34 protect, and enhance the environs and vistas of the State Capitol,
35 (4) establish policies and guidelines for use of the State
36 Capitol's preservation and adaptive-use spaces including the
37 adoption of a document of standards, and (5) (3) review the
38 proposed construction and repairs of buildings for state use. The
39 Department of Administrative Services, with the advice of the
40 Nebraska Capitol Commission, may adopt and promulgate rules and
41 regulations to carry out this section.

42 The landscaping required pursuant to subdivision (2) of
43 this section may begin as soon as practicable during the renovation
44 of the capitol structure, and at least seventy percent of the
45 landscaping design shall be completed by the completion of the
46 Capitol Masonry Restoration Project begun in 1998. Implementation
47 of the landscaping shall be coordinated with the progress of work
48 on the Capitol Masonry Restoration Project. On August 28, 1999,
49 the Department of Administrative Services may begin contracting for
50 the technical specifications and fabrication of fountains that will
51 be placed in the center of each courtyard of the State Capitol.
52 The Nebraska Capitol Commission shall consult the original design

3 ~~specification of the fountains during the planning and construction~~
4 ~~phase.~~

5 The commission shall hold meetings at least twice a year.
6 ~~from 1999 through 2010 and at least annually after 2010.~~ The
7 commission shall meet at least annually with the Nebraska State
8 Capitol Environs Commission to discuss and coordinate projects that
9 may impact the capitol and its surrounding environs. The meeting
10 with the Nebraska State Capitol Environs Commission may be held in
11 conjunction with one of the meetings of the Nebraska Capitol
12 Commission required by this section.

13 In addition to any other rights and powers conferred upon
14 the commission, it shall monitor and advise the administrator in
15 exercising the power of eminent domain on behalf of the state for
16 the purpose of acquiring sites or buildings for state use. The
17 administrator may for such purpose take, hold, and condemn for the
18 state any and all necessary property. The procedure to condemn
19 property shall be exercised in the manner set forth in sections
20 76-701 to 76-726.

21 Sec. 37. Section 90-304, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 90-304. (1) The State of Nebraska, acting through the
24 Department of Administrative Services and the Office of the
25 Nebraska Capitol Commission in the respective areas for which each
26 has responsibility, is hereby empowered to expend appropriations
27 authorized by the Legislature and to otherwise participate fully in
1 the planning, construction, and maintenance of all manner of
2 special lighting, landscaping, decorative walkway, fountain, and
3 any other beautification projects in the Nebraska State Capitol
4 Environs District as an individual governmental entity, or in
5 similar projects which are jointly initiated and financed with the
6 city of Lincoln or the county of Lancaster or both governmental
7 bodies in the Nebraska State Capitol Environs District.

8 (2) The city of Lincoln and the county of Lancaster are
9 hereby empowered to expend their respective funds to participate
10 singly, with each other, and with the State of Nebraska, in the
11 planning, construction, and maintenance of all manner of special
12 lighting, landscaping, decorative walkway, fountain, and any other
13 beautification projects in the Nebraska State Capitol Environs
14 District. Construction and maintenance projects authorized in this
15 section shall only be implemented on the street and alley
16 rights-of-way in the Nebraska State Capitol Environs District, as
17 such district is defined by subsection (2) of section 90-303, and
18 on real estate within the Nebraska State Capitol Environs District
19 which is owned singly by the State of Nebraska, the city of
20 Lincoln, the county of Lancaster, by these three governmental
21 bodies jointly or by any two of such governmental bodies.

22 (3) Neither the State of Nebraska, city of Lincoln, or
23 county of Lancaster is authorized to utilize eminent domain powers
24 to accomplish the purposes of sections 90-301 to 90-305, except ;

25 ~~PROVIDED~~, that nothing in sections 90-301 to 90-305 shall prevent
 26 the exercise of eminent domain by any governmental entity so
 27 empowered to acquire public rights-of-way. ~~This ; AND PROVIDED~~
 1 ~~FURTHER, that this~~ prohibition shall not be construed as deterring
 2 any one of the three governmental bodies from utilizing any
 3 existing powers it has on projects it undertakes singly."
 4 2. On page 1, line 4, strike "and 81-2004" and insert
 5 "81-2004, and 90-304".
 6 3. On page 22, line 3, after "District" insert ", other
 7 than the State Capitol and capitol grounds".
 8 4. On page 28, line 15, strike "administrator", show as
 9 stricken, and insert "State Building Administrator".
 10 5. On page 39, line 28, strike "division", show as
 11 stricken, and insert "office".
 12 6. On page 41, lines 14 and 15, strike "subsection (5)",
 13 show as stricken, and insert "subsections (5) and (6)".
 14 7. On page 43, line 27, strike "16" through "38" and
 15 insert "17, 18, 20, 25, 34, 35, and 40".
 16 8. On page 44, line 4, strike "and 81-2004" and insert
 17 "81-2004, and 90-304".
 18 9. Renumber the remaining sections and correct internal
 19 references accordingly.

SENATOR CUDABACK PRESIDING

The Beutler motion to return prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

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

SELECT FILE

LEGISLATIVE BILL 439. The Beutler specific amendment, AM2073, found in this day's Journal, was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

ANNOUNCEMENT

The Chair announced yesterday was Senator McDonald's birthday.

SELECT FILE

LEGISLATIVE BILL 572. E & R amendment, AM7153, printed separately and referred to in this day's Journal, was adopted.

Senator Burling asked unanimous consent to be excused until he returns. No

objections. So ordered.

Senator Thompson offered the following amendment:
AM2084

(Amendments to E & R amendments, AM7153)

- 1 1. Insert the following new sections:
- 2 "Sec. 10. Section 77-2602, Revised Statutes Supplement,
- 3 2002, 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, ~~sixty-four~~ sixty-seven
- 11 cents per package; until October 1, 2004, and thirty-four cents per
- 12 package commencing October 1, 2004; and on packages containing more
- 13 than twenty cigarettes, the same tax as provided on packages
- 14 containing not more than twenty cigarettes for the first twenty
- 15 cigarettes in each package and a tax of one-twentieth of the tax on
- 16 the first twenty cigarettes on each cigarette in excess of twenty
- 17 cigarettes in each package.
- 18 ~~(2) Commencing July 1, 1994, and continuing until July 1,~~
- 19 ~~2009, the State Treasurer shall place the equivalent of twenty-one~~
- 20 ~~cents of such tax less three million dollars each fiscal year of~~
- 21 ~~proceeds of such tax in the General Fund. Commencing July 1, 2009,~~
- 22 ~~and continuing until October 1, 2004, the State Treasurer shall~~
- 23 ~~place the equivalent of twenty-one cents of such tax in the General~~
- 1 Fund. Commencing October 1, 2004, the State Treasurer shall place
- 2 the equivalent of forty-nine cents of such tax in the General Fund.
- 3 The State Treasurer shall reduce the amount placed in the General
- 4 Fund under this subsection by the amount prescribed in subdivision
- 5 (3)(d) of this section. For purposes of this section, the
- 6 equivalent of a specified number of cents of the tax shall mean
- 7 that portion of the proceeds of the tax equal to the specified
- 8 number divided by the tax rate per package of cigarettes containing
- 9 not more than twenty cigarettes.
- 10 (3) The State Treasurer shall distribute the remaining
- 11 proceeds of such tax in the following order:
- 12 (a) First, beginning July 1, 1980, the State Treasurer
- 13 shall place the equivalent of one cent of such tax in the Nebraska
- 14 Outdoor Recreation Development Cash Fund. For fiscal year
- 15 distributions occurring after FY1998-99, the distribution under
- 16 this subdivision shall not be less than the amount distributed
- 17 under this subdivision for FY1997-98. Any money needed to increase
- 18 the amount distributed under this subdivision to the FY1997-98
- 19 amount shall reduce the distribution to the General 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 distribution to the General Fund;

2 (c) Third, beginning July 1, 2001, and continuing until
 3 October 1, 2002, the State Treasurer shall place the equivalent of
 4 five cents of such tax in the Building Renewal Allocation Fund.
 5 Beginning October 1, 2002, and continuing until ~~October 1, 2004~~ all
 6 ~~the purposes of the Deferred Building Renewal Act have been~~
 7 ~~fulfilled~~, the State Treasurer shall place the equivalent of seven
 8 cents of such tax in the Building Renewal Allocation Fund.

9 ~~Beginning October 1, 2004, and continuing until all the purposes of~~
 10 ~~the Deferred Building Renewal Act have been fulfilled, the State~~
 11 ~~Treasurer shall place the equivalent of five cents of such tax in~~
 12 ~~the Building Renewal Allocation Fund.~~ The Legislature shall
 13 appropriate each fiscal year all sums inuring to the fund, plus
 14 interest earnings, for the Task Force for Building Renewal to be
 15 used to carry out its duties and to fulfill the purposes of the
 16 Deferred Building Renewal Act. Unexpended balances existing at the
 17 end of each fiscal year shall be, and are hereby, reappropriated.
 18 ~~For fiscal year distributions occurring after FY1998-99, the~~ The
 19 ~~distribution under this subdivision shall not be less than~~
 20 ~~five-sevenths of the amount distributed under this subdivision for~~
 21 ~~FY1997-98. Any money needed to increase the amount distributed~~
 22 ~~under this subdivision to five-sevenths of the FY1997-98 amount~~
 23 ~~shall reduce the distribution to the General Fund;~~

24 (d) Fourth, ~~until October 1, 2002, and beginning on~~
 25 ~~October 1, 2004, the State Treasurer shall place the difference~~
 26 ~~between the equivalent of thirteen cents of such tax and the sum of~~
 27 ~~the amounts distributed pursuant to subdivisions (a) through (e)~~
 1 and (f) through (h) of this subsection in a special fund to be
 2 known as the Nebraska Capital Construction Fund. Beginning October
 3 1, 2002, and continuing until October 1, 2004, the State Treasurer
 4 shall place the difference between the equivalent of forty three
 5 cents of such tax and the sum of the amounts distributed pursuant
 6 to subdivisions (a) through (e) and (f) through (i) of this
 7 subsection in the Nebraska 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~~ (e) Fifth, beginning July 1, 2001, the State
 16 Treasurer shall place the equivalent of two cents of such tax in

17 the Information Technology Infrastructure Fund;
18 ~~(g) Seventh~~ (f) Sixth, beginning July 1, 2001, and
19 continuing until June 30, 2016, the State Treasurer shall place one
20 million dollars each fiscal year in the City of the Primary Class
21 Development Fund. If necessary, the State Treasurer shall reduce
22 the distribution of tax proceeds to the General Fund pursuant to
23 ~~this subsection~~ subsection (2) of this section by such amount
24 required to fulfill the one million dollars to be distributed
25 pursuant to this subdivision;
26 ~~(h) Eighth~~ (g) Seventh, beginning July 1, 2001, and
27 continuing until June 30, 2016, the State Treasurer shall place one
1 million five hundred thousand dollars each fiscal year in the City
2 of the Metropolitan Class Development Fund. If necessary, the
3 State Treasurer shall reduce the distribution of tax proceeds to
4 the General Fund pursuant to ~~this subsection~~ subsection (2) of this
5 section by such amount required to fulfill the one million five
6 hundred thousand dollars to be distributed pursuant to this
7 subdivision; ~~and~~
8 ~~(i) Ninth~~ (h) Eighth, beginning October 1, 2002, and
9 continuing until October 1, 2004, the State Treasurer shall place
10 the equivalent of twenty-eight cents of such tax in the Cash
11 Reserve Fund; ~~and~~
12 (i) Ninth, beginning July 1, 2003, the State Treasurer
13 shall place the equivalent of three cents of such tax in the
14 Tobacco Prevention and Control Cash Fund.
15 (4) If, after distributing the proceeds of such tax
16 pursuant to subsections (2) and (3) of this section, any proceeds
17 of such tax remain, the State Treasurer shall place such remainder
18 in the Nebraska Capital Construction Fund.
19 ~~(2)~~ (5) The Legislature hereby finds and determines that
20 the projects funded from the Municipal Infrastructure Redevelopment
21 Fund and the Building Renewal Allocation Fund are of critical
22 importance to the State of Nebraska. It is the intent of the
23 Legislature that the allocations and appropriations made by the
24 Legislature to such funds or, in the case of allocations for the
25 Municipal Infrastructure Redevelopment Fund, to the particular
26 municipality's account not be reduced until all contracts and
27 securities relating to the construction and financing of the
1 projects or portions of the projects funded from such funds or
2 accounts of such funds are completed or paid or, in the case of the
3 Municipal Infrastructure Redevelopment Fund, the earlier of such
4 date or July 1, 2009, and that until such time any reductions in
5 the cigarette tax rate made by the Legislature shall be
6 simultaneously accompanied by equivalent reductions in the amount
7 dedicated to the General Fund from cigarette tax revenue. Any
8 provision made by the Legislature for distribution of the proceeds
9 of the cigarette tax for projects or programs other than those to
10 (a) the General Fund, (b) the Nebraska Outdoor Recreation
11 Development Cash Fund, (c) the Department of Health and Human

12 Services Finance and Support Cash Fund, (d) the Municipal
 13 Infrastructure Redevelopment Fund, (e) the Building Renewal
 14 Allocation Fund, (f) the Information Technology Infrastructure
 15 Fund, (g) the City of the Primary Class Development Fund, (h) the
 16 City of the Metropolitan Class Development Fund, ~~and~~ (i) the Cash
 17 Reserve Fund, and (j) the Tobacco Prevention and Control Cash Fund
 18 shall not be made a higher priority than or an equal priority to
 19 any of the programs or projects specified in subdivisions (a)
 20 through ~~(i)~~ (j) of this subsection.
 21 Sec. 14. Sections 10 and 15 of this act become operative
 22 on July 1, 2003. The other sections of this act become operative
 23 on their effective date.
 24 Sec. 15. Original section 77-2602, Revised Statutes
 25 Supplement, 2002, is repealed."
 26 2. Renumber the remaining sections accordingly.

SPEAKER BROMM PRESIDING

Senators Cudaback and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Thompson requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Aguilar	Chambers	Kruse	Price	Wehrbein
Beutler	Connealy	Louden	Schimek	
Brown	Jensen	McDonald	Synowiecki	
Byars	Johnson	Preister	Thompson	

Voting in the negative, 17:

Baker	Engel	Landis	Raikes	Tyson
Bourne	Friend	Mines	Redfield	
Brashear	Hartnett	Pederson, D.	Schrock	
Cunningham	Janssen	Quandahl	Stuthman	

Present and not voting, 9:

Bromm	Foley	Kremer	Mossey	Vrtiska
Combs	Hudkins	Maxwell	Stuhr	

Excused and not voting, 6:

Burling	Erdman	Pedersen, Dw.
Cudaback	Jones	Smith

The Thompson amendment lost with 17 ayes, 17 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Bourne offered the following amendment:

AM2097

(Amendments to E & R amendments, AM7153)

- 1 1. On page 7, line 19, before "stamp" insert "Nebraska";
- 2 and in line 22 after "family" insert "intended for sale in this
- 3 state".
- 4 2. On page 11, line 23, after "cigarettes" insert "for
- 5 sale in this state".

The Bourne amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Landis offered the following amendment:

AM2098

(Amendments to E & R amendments, AM7153)

- 1 1. Insert the following new section:
- 2 "Sec. 11. Section 77-2608, Revised Statutes Supplement,
- 3 2002, 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~~ one and eighty-five
- 2 hundredths percent of such face value of the tax as a commission
- 3 for affixing and canceling such stamps, except that for stamps sold
- 4 beginning October 1, 2002, through September 30, 2004, the
- 5 authorized commission for affixing and canceling such stamps shall

6 be one and seven-tenths percent of the face value of the tax. Any
7 wholesale dealer using a tax meter machine shall be entitled to the
8 same discount as allowed a wholesale dealer for affixing and
9 canceling the stamps. The money received by the Tax Commissioner
10 from the sale of the stamps and as revenue from such tax meter
11 impressions shall be deposited by him or her daily with the State
12 Treasurer who shall credit such money as provided in section
13 77-2602. Upon proof by the Tax Commissioner that he or she can
14 affix such stamps or meter impressions, warehouse and distribute
15 such cigarettes, and collect such revenue at a cost less than any
16 discount allowed to wholesale dealers pursuant to this section, he
17 or she may then proceed to affix the stamps himself or herself
18 after giving the wholesale dealers sixty days' notice and
19 purchasing all equipment used by them for the purpose of affixing
20 such stamps or meter impressions at a fair market value.".
21 2. Renumber the remaining sections and correct internal
22 references and the repealer accordingly.

The Landis amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 65. E & R amendment, AM7152, found in this day's Journal, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 283. The Brown pending amendment, AM1975, found on page 1888 and considered on pages 1987 and 1988, was renewed.

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

SENATOR CUDABACK PRESIDING

Senator Raikes offered the following motion:
Bracket LB 283 until May 28, 2003.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Raikes moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Raikes requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Brashear	Janssen	Landis	Pederson, D.	Vrtiska
Connealy	Jensen	Maxwell	Preister	Wehrbein
Engel	Johnson	McDonald	Raikes	
Hartnett	Kruse	Mossey	Thompson	

Voting in the negative, 23:

Aguilar	Brown	Erdman	Redfield	Stuthman
Baker	Burling	Foley	Schimek	Synowiecki
Beutler	Byars	Kremer	Schrock	Tyson
Bourne	Combs	Price	Smith	
Bromm	Cunningham	Quandahl	Stuhr	

Present and not voting, 4:

Chambers	Cudaback	Friend	Louden

Excused and not voting, 4:

Hudkins	Jones	Mines	Pedersen, Dw.

The Raikes motion to bracket failed with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Landis offered the following amendment to the Brown pending amendment:

FA1393

Amend AM1975

Add a new section: The tax rates as reflected in this amendment shall not be modified or changed prior to January 1, 2007.

Senators Price and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis withdrew his amendment.

The Brown pending amendment, AM1975, was renewed.

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 Brown moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Brown requested a roll call vote on her amendment.

Voting in the affirmative, 20:

Aguilar	Combs	Johnson	Mossey	Stuhr
Baker	Cunningham	Kremer	Quandahl	Thompson
Brashear	Erdman	Louden	Redfield	Tyson
Brown	Foley	Mines	Smith	Wehrbein

Voting in the negative, 16:

Bromm	Connealy	McDonald	Schrock
Burling	Hartnett	Pederson, D.	Stuthman
Byars	Janssen	Raikes	Synowiecki
Chambers	Landis	Schimek	Vrtiska

Present and not voting, 10:

Beutler	Cudaback	Friend	Kruse	Preister
Bourne	Engel	Jensen	Maxwell	Price

Excused and not voting, 3:

Hudkins	Jones	Pedersen, Dw.

The Brown amendment lost with 20 ayes, 16 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:

AM2086

(Amendments to E & R amendments, AM7140)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 84-612, Revised Statutes Supplement,
- 3 2002, as amended by section 1, Legislative Bill 798, Ninety-eighth
- 4 Legislature, First Session, 2003, is amended to read:
- 5 84-612. (1) There is hereby created within the state
- 6 treasury a fund known as the Cash Reserve Fund which shall be under
- 7 the direction of the State Treasurer. The fund shall only be used
- 8 pursuant to this section.
- 9 (2) The State Treasurer shall transfer funds from the
- 10 Cash Reserve Fund to the General Fund upon certification by the
- 11 Director of Administrative Services that the current cash balance
- 12 in the General Fund is inadequate to meet current obligations.
- 13 Such certification shall include the dollar amount to be
- 14 transferred. Any transfers made pursuant to this subsection shall
- 15 be reversed upon notification by the Director of Administrative
- 16 Services that sufficient funds are available.
- 17 (3) On July 23, 2001, the State Treasurer shall transfer
- 18 three hundred seventy thousand dollars from the Cash Reserve Fund

19 to the Municipal Natural Gas Regulation Revolving Loan Fund for
20 purposes of loaning to Nebraska communities that seek to review
21 natural gas rates. Any transfer made pursuant to this subsection
22 shall be reversed upon notification by the Director of Policy
23 Research that a sufficient court judgment has been obtained.

1 (4) Within fifteen days after July 1, 2002, the State
2 Treasurer shall transfer twenty-two million five hundred thousand
3 dollars from the Cash Reserve Fund to the General Fund.

4 (5) On or before June 16, 2003, the State Treasurer shall
5 transfer sixty-four million nine hundred thousand dollars from the
6 Cash Reserve Fund to the General Fund.

7 (6) On June 15, 2005, the State Treasurer shall transfer
8 twenty-two million five hundred thousand dollars from the General
9 Fund to the Cash Reserve Fund.

10 (7) On June 15, 2004, the State Treasurer shall transfer
11 three million dollars from the Cash Reserve Fund to the General
12 Fund.

13 (8) On June 15, 2005, the State Treasurer shall transfer
14 three million dollars from the Cash Reserve Fund to the General
15 Fund.

16 (9) The State Treasurer, at the direction of the budget
17 administrator of the budget division of the Department of
18 Administrative Services, shall transfer not to exceed five million
19 seven hundred twenty-seven thousand seven hundred seven dollars in
20 total from the Cash Reserve Fund to the Nebraska Capital
21 Construction Fund between July 1, 2003, and June 30, 2007.

22 (10) The State Treasurer, at the direction of the budget
23 administrator, shall transfer an amount equal to the total amount
24 transferred pursuant to subsection (9) of this section from the
25 General Fund to the Cash Reserve Fund on or before June 30, 2008.

26 (11) On June 15, 2004, the State Treasurer shall transfer
27 forty million six hundred thousand dollars from the General Fund to
1 the Cash Reserve Fund.

2 (12) The Governor and State Treasurer In addition to
3 receiving transfers from other funds, the Cash Reserve Fund shall
4 receive credit federal funds received by the State of Nebraska for
5 undesignated general government purposes, federal revenue sharing,
6 or general fiscal relief of the state to the Cash Reserve Fund,
7 except that for each of fiscal years 2003-04 and 2004-05, the State
8 Treasurer shall transfer twenty-nine million ninety-six thousand
9 dollars of such federal funds to the General Fund.

10 Sec. 6. Original section 84-612, Revised Statutes
11 Supplement, 2002, as amended by section 1, Legislative Bill 798,
12 Ninety-eighth Legislature, First Session, 2003, is repealed."

13 2. Correct the operative date section so that the
14 sections added by this amendment become operative on their
15 effective date with the emergency clause.

16 3. Renumber the remaining sections accordingly.

Pending.

MOTION - Suspend Rules

Senator Engel offered the following motion:

Suspend Rule 3, Section 13, for Tuesday, May 27, to permit scheduling of public hearings on certain gubernatorial appointments.

The Engel motion to suspend the rules prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, May 28, 2003

1:15 p.m.

Nancy Oltman - Commission for the Blind and Visually Impaired

(Signed) Jim Jensen, Chairperson

Natural Resources

Room 1525

Wednesday, May 28, 2003

1:00 p.m.

Barbara J. Batie - Environmental Trust Board

Robert Ravenscroft - Environmental Trust Board

(Signed) Ed Schrock, Chairperson

Business and Labor

Room 1524

Wednesday, May 28, 2003

12:00 p.m.

Loren Lindahl - Commission of Industrial Relations

(Signed) Floyd P. Vrtiska, Chairperson

General Affairs

Room 1510

Thursday, May 29, 2003

8:00 a.m.

Wayne Choat - Advisory Commission on Compulsive Gambling

Susan Parascand - Advisory Commission on Compulsive Gambling

Lynda McNulty - Advisory Commission on Compulsive Gambling

Francis McGill - Advisory Commission on Compulsive Gambling

(Signed) Ray Janssen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 743A. Placed on Select File as amended.

E & R amendment to LB 743A:

AM7154

- 1 1. Strike the original section and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. There is hereby appropriated \$68,074 from
- 4 the Telephone Solicitation Cash Fund for FY2004-05 to the Public
- 5 Service Commission, for Program 743, to aid in carrying out the
- 6 provisions of Legislative Bill 743, Ninety-eighth Legislature,
- 7 First Session, 2003.
- 8 Total expenditures for permanent and temporary salaries
- 9 and per diems from funds appropriated in this section shall not
- 10 exceed \$36,324 for FY2004-05."

Correctly Engrossed

The following bill was correctly engrossed: LB 608A.

(Signed) Ray Mossey, 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.

Power Review Board

Mark Hunzeker

VOTE: Aye: Senators Friend, Hudkins, Jones, Kremer, Loudon, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Hartnett filed the following amendment to LB 720:

AM2076

(Amendments to Final Reading copy)

- 1 1. Strike section 4 and insert the following new
- 2 section:
- 3 "Sec. 4. Section 14-1813, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 14-1813. (1) Except as provided in subsection (2) of

6 this section, whenever ~~Whenever~~ any city of the metropolitan class
7 creates an authority, the board shall consist of five members to be
8 selected as follows: ~~(4)~~ (a) The mayor, with the approval of the
9 city council and the county board of the county in which the city
10 is located, shall appoint one member who shall serve for one year,
11 one member who shall serve for two years, one member who shall
12 serve for three years, one member who shall serve for four years,
13 and one member who shall serve for five years; and ~~(2)~~ (b) upon the
14 expiration of the term of each appointed officer, the mayor, with
15 the approval of the city council and the county board of the county
16 in which the city is located, shall appoint a member who shall
17 serve for a term of five years. Members of such board shall be
18 residents of the ~~city for which such authority is created~~ transit
19 authority territory described in section 14-1803 and one member of
20 the board shall be nominated and selected as provided in subsection
21 (2) of this section. In cities of the metropolitan class where a
22 board has been heretofore appointed, the mayor, with the approval
23 of the city council and the county board of the county in which the
1 city is located, shall by resolution redesignate the terms of the
2 members of such board in accordance with the provisions of sections
3 14-1803, 14-1805, 14-1812, and 14-1813, except that until such
4 redesignation is made the terms shall stand as provided for in the
5 original appointment.

6 (2) Notwithstanding any provisions of the city charter of
7 the city of the metropolitan class to the contrary, when the next
8 vacancy will occur on the board after the effective date of this
9 act resulting from the expiration of the term of office of a member
10 of the board, notice of such vacancy shall be communicated to the
11 clerk of each county, city, or village which is part of the transit
12 authority territory. Such notice shall be provided at least
13 forty-five days prior to the expiration of the term of office of
14 the member. Each county, city, and village, other than the city of
15 the metropolitan class, may, by majority vote of their governing
16 bodies, recommend the appointment of one or more residents of their
17 respective jurisdictions to fill the board position. Such
18 nominations shall be filed with the mayor of the city of the
19 metropolitan class not later than the thirtieth day following the
20 date of receipt of notice of the vacancy. The mayor shall make the
21 appointment to fill the board position from such nominations. The
22 individual appointed by the mayor, upon approval by the city
23 council of the city of the metropolitan class, shall become a
24 member of the board. Thereafter, any successor to such board
25 member, either by reason of vacancy or the expiration of such board
26 member's term, shall possess the residence qualifications provided
27 for in this subsection, and such board position shall be filled in
1 the manner provided for in this subsection.

2 (3) Except as provided in subsection (2) of this section,
3 any ~~Any~~ vacancy on such board, resulting other than from expiration
4 of a term of office, shall be filled by the mayor of the city of

5 the metropolitan class, with the approval of the city council and
6 the county board of the county in which the city is located, and
7 such appointee shall possess the same residence qualifications as
8 the member whose office he or she is to fill and shall serve the
9 unexpired portion, if any, of the term of the member whose office
10 was vacated.

11 (4) Each member, before entering upon the duties of the
12 office, shall file with the city clerk of the city of the
13 metropolitan class an oath that he or she will duly and faithfully
14 perform all the duties of the office to the best of his or her
15 ability, and a bond in the penal sum of five thousand dollars
16 executed by one or more qualified sureties for the faithful
17 performance of his or her duties. If any member shall fail to file
18 such oath and bond on or before the first day of the term for which
19 he or she was appointed or elected, his or her office shall be
20 deemed to be vacant.

21 (5) A member of such board may be removed from office for
22 incompetence, neglect of duty, or malfeasance in office. An action
23 for the removal of such officer may be brought, upon resolution of
24 the city council of the city of the metropolitan class or the
25 county board in which the city is located, in the district court of
26 the county in which such city is located."

RESOLUTION

LEGISLATIVE RESOLUTION 189. Introduced by Combs, 32.

WHEREAS, Joshua David Fangmeier, of Hebron, Nebraska, has completed the requirements for the Boy Scouts' highest honor and rank of Eagle Scout and will be presented the Eagle Scout award on Sunday, June 1, 2003; 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. Joshua David Fangmeier earned 29 merit badges and constructed a directory board for his church cemetery for his community service project; and

WHEREAS, fewer than two percent of all boys who join Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Joshua David Fangmeier, upon receiving the rank of Eagle Scout, will join the ranks of other high achievers who are Eagle Scouts such as astronauts, political and industry leaders, artists, scientists, and athletes, 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Joshua David Fangmeier on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Hebron.

2. That a copy of this resolution be sent to Joshua David Fangmeier and

his family.

Laid over.

VISITORS

Visitors to the Chamber were Alice Zulkoski from North Platte; and 37 fourth-grade students and teachers from Westgate Elementary School, Omaha.

RECESS

At 12:00 p.m., on a motion by Speaker Bromm, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present.

APPROPRIATIONS COMMITTEE REPORT ON LB 407

Pursuant to Rule 6, Section 14, the Appropriations Committee has discussed the Governor's veto LB 407.

The Appropriations Committee recommends LB 407 become law notwithstanding the objections of the Governor.

(Signed) Roger R. Wehrbein, Chair
Appropriations Committee

MOTION - Override Veto on LB 407

Senator Wehrbein, on behalf of the Appropriations Committee, offered the following motion:

That LB 407 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 33 ayes, 5 nays, and 11 not voting.

Senator Wehrbein moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass

notwithstanding the objections of the Governor?" "

Voting in the affirmative, 37:

Aguilar	Chambers	Janssen	Mines	Stuthman
Baker	Combs	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Connealy	Jones	Pederson, D.	Thompson
Bourne	Cudaback	Kremer	Price	Vrtiska
Brashear	Cunningham	Kruse	Raikes	Wehrbein
Bromm	Engel	Landis	Schimek	
Brown	Hartnett	Louden	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 11:

Burling	Friend	Mossey	Smith
Erdman	Jensen	Quandahl	Tyson
Foley	Maxwell	Redfield	

Present and not voting, 1:

Preister

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 759

Senator Brashear offered the following motion:

That LB 759 becomes law notwithstanding the objections of the Governor.

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.

Senator Brashear moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 37:

Aguilar	Chambers	Janssen	Mines	Stuthman
Baker	Combs	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Connealy	Jones	Pederson, D.	Thompson
Bourne	Cudaback	Kremer	Price	Vrtiska
Brashear	Cunningham	Kruse	Raikes	Wehrbein
Bromm	Engel	Landis	Schimek	
Brown	Hartnett	Louden	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 12:

Burling	Friend	Mossey	Redfield
Erdman	Jensen	Preister	Smith
Foley	Maxwell	Quandahl	Tyson

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 759A

Senator Brashear offered the following motion:

That LB 759A 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, 37:

Aguilar	Chambers	Janssen	Mines	Stuthman
Baker	Combs	Johnson	Pedersen, Dw.	Synowiecki
Beutler	Connealy	Jones	Pederson, D.	Thompson
Bourne	Cudaback	Kremer	Price	Vrtiska
Brashear	Cunningham	Kruse	Raikes	Wehrbein
Bromm	Engel	Landis	Schimek	
Brown	Hartnett	Louden	Schrock	
Byars	Hudkins	McDonald	Stuhr	

Voting in the negative, 12:

Burling	Friend	Mossey	Redfield
Erdman	Jensen	Preister	Smith
Foley	Maxwell	Quandahl	Tyson

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 540

Senator Raikes offered the following motion:

That LB 540 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, 44:

Aguilar	Chambers	Hudkins	Maxwell	Schrock
Baker	Combs	Janssen	McDonald	Smith
Beutler	Connealy	Jensen	Mines	Stuhr
Bourne	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Brashear	Cunningham	Jones	Pederson, D.	Synowiecki
Bromm	Engel	Kremer	Price	Thompson
Brown	Erdman	Kruse	Raikes	Vrtiska
Burling	Foley	Landis	Redfield	Wehrbein
Byars	Hartnett	Louden	Schimek	

Voting in the negative, 4:

Friend	Mossey	Quandahl	Tyson

Present and not voting, 1:

Preister

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 439.

Correctly Engrossed

The following bills were correctly engrossed: LBs 65 and 572.

ER9085

Enrollment and Review Change to LB 572

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "77-2608," has been inserted after the last comma.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senators Janssen, Schimek, Mines, Johnson, and Beutler filed the following amendment to LB 622:

AM2074

(Amendments to Second Final Reading copy)

1. Strike section 1.
2. On page 1, line 1, strike "sections 77-27,139.03 and" and insert "section"; and strike beginning with "to" in line 2 through the first semicolon in line 3.
3. On page 5, line 9, strike "sections 77-27,139.03 and" and insert "section"; and in line 10 strike "are" and insert "is".
4. Renumber the remaining sections accordingly.

Senator Brashear filed the following amendment to LR 11CA:
AM2102

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:
 - "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

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) Nothing in this section shall be construed to
6 prohibit (a) the enactment of laws providing for the licensing and
7 regulation of wagering on the results of horseraces, wherever run,
8 either within or outside of the state, by the parimutuel method,
9 when such wagering is conducted by licensees within a licensed
10 racetrack enclosure or (b) the enactment of laws providing for the
11 licensing and regulation of bingo games conducted by nonprofit
12 associations which have been in existence for a period of five
13 years immediately preceding the application for license, except
14 that bingo games cannot be conducted by agents or lessees of such
15 associations on a percentage basis.

16 (5)(a) For purposes of this subsection:

17 (i) Casino gambling means any game of chance played with
18 cards, dice, equipment, a player-activated electronic gaming
19 device, or a player-activated mechanical gaming device for money,
20 credit, or any representative of value;

21 (ii) Casino gambling zone means the metropolitan
22 riverfront casino gambling zone and one other contiguous zone
23 created by the Legislature in accordance with this subsection for
24 purposes of permitting casino gambling;

25 (iii) Casino structure means a single physical structure
26 within which casino gambling may be played or activated;

27 (iv) Eligible licensed racetrack enclosure means a
1 licensed racetrack enclosure that has conducted live horseracing on
2 no less than three days per week for no less than four consecutive
3 weeks during each of the five years immediately preceding the year
4 for which the eligibility determination is made; and

5 (v) Metropolitan riverfront casino gambling zone means a
6 zone consisting of that area within two miles of the Iowa-Nebraska
7 boundary that is (A) south of an east-west line three miles south
8 of the dividing line between townships sixteen and seventeen,
9 north, and (B) north of the dividing line between townships
10 thirteen and fourteen, north.

11 (b) The Legislature may authorize casino gambling at up
12 to six licensed casino structures. No casino gambling may be
13 played or activated except within a licensed casino structure.
14 Each licensed casino structure shall be located within either a
15 casino gambling zone or an eligible licensed racetrack enclosure.
16 Up to two licensed casino structures may be authorized within the
17 metropolitan riverfront casino gambling zone. Up to two licensed
18 casino structures may be authorized within eligible licensed
19 racetrack enclosures east of the sixth principal meridian. One
20 licensed casino structure may be authorized within an eligible
21 licensed racetrack enclosure west of the sixth principal meridian.
22 One licensed casino structure may be authorized within a casino

23 gambling zone created west of the sixth principal meridian.
24 (c) The Legislature shall provide for the licensure of
25 casino structures and for the operation, regulation, and taxation
26 of casino gambling at such licensed casino structures. Revenue
27 generated by state regulation and taxation of casino gambling, as
1 determined by the Legislature, shall be appropriated exclusively to
2 the Nebraska Future Trust Fund for use as provided in subdivision
3 (d) of this subsection.
4 (d) The Nebraska Future Trust Fund is created. The
5 Nebraska Future Trust Board shall govern the trust fund. The board
6 shall consist of nine members appointed by the Governor and
7 confirmed by a majority of the Legislature. Three members of the
8 board shall reside in the county or counties in which licensed
9 casino structures are located within the metropolitan riverfront
10 casino gambling zone; three members shall reside east of the sixth
11 principal meridian but not in the county or counties in which
12 licensed casino structures are located within the metropolitan
13 riverfront casino gambling zone; and three members shall reside
14 west of the sixth principal meridian. The trust fund shall be used
15 for community improvement, to specifically include economic
16 development, within the State of Nebraska.
17 (e) To the extent that the authorization of casino
18 gambling pursuant to this subsection results in the creation of
19 additional rights for federally recognized Indian tribes in
20 Nebraska in accordance with federal law, the Governor and the
21 Legislature shall recognize such rights and act in accordance
22 therewith."
23 Sec. 2. The proposed amendment shall be submitted to the
24 electors in the manner prescribed by the Constitution of Nebraska,
25 Article XVI, section 1, with the following ballot language:
26 "A constitutional amendment to define casino gambling, to
27 provide authority for the Legislature to authorize casino
1 gambling at up to six licensed casino structures, to
2 require the Legislature to provide for the operation,
3 regulation, and taxation of casino gambling at such
4 structures, and to recognize the rights of Indian tribes
5 related to casino gambling.
6 For
7 Against".

RESOLUTION

LEGISLATIVE RESOLUTION 190. Introduced by Erdman, 47; Baker, 44; Jones, 43.

WHEREAS, Congress has established the need for a National Truck Safety Month; and

WHEREAS, truck drivers around the nation have committed themselves to make June a model month for compliance with the truck safety rules; and

WHEREAS, truck drivers experience more workplace fatalities than any other single occupation, are aware of their responsibility to contribute to highway safety; and

WHEREAS, truckers play a vital role in the nation's economy.

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

1. That the Legislature recognize the extra efforts of the truckers to comply with the truck safety guidelines to make the nation's highways a safer place to travel and to work.

2. That a copy of this resolution be sent to the Owner-Operator Independent Drivers Association Inc. in best wishes for continuing safety.

Laid over.

SELECT FILE

LEGISLATIVE BILL 283. The Beutler pending amendment, AM2086, found in this day's Journal, was renewed.

SPEAKER BROMM PRESIDING

Senators Aguilar, Friend, and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

Pending.

COMMUNICATION

May 27, 2003

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 407 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 407, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 407, 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 27th day of May 2003.

(Signed) Curt Bromm
President of the Legislature

COMMUNICATION

May 27, 2003

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 759 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 759, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 759, 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 27th day of May 2003.

(Signed) Curt Bromm
President of the Legislature

COMMUNICATION

May 27, 2003

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 759A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 759A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 759A, 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 27th day of May 2003.

(Signed) Curt Bromm
President of the Legislature

COMMUNICATION

May 27, 2003

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 540 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 540, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 540, 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 27th day of May 2003.

(Signed) Curt Bromm
President of the Legislature

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 142 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 142.

SELECT FILE

LEGISLATIVE BILL 283. Senator Beutler offered the following amendment:
AM2099

(Amendments to E & R amendments, AM7140)

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 77-2715.02, Revised Statutes
- 3 Supplement, 2002, as amended by section 21, Legislative Bill 759,
- 4 Ninety-eighth Legislature, First Session, 2003, 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 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
- 16 joint returns;
- 17 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
- 18 head-of-household returns;
- 19 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
- 20 separate returns; and
- 21 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
- 22 trusts;
- 23 (b) The amount in column C shall be the total amount of
- 1 the tax imposed on income less than the amount in column A;
- 2 (c) The amount in column D shall be the rate on the
- 3 income in excess of the amount in column E;
- 4 (d) For taxable years beginning or deemed to begin before
- 5 January 1, 2003, and for taxable years beginning or deemed to begin

6 on or after January 1, 2004, under the Internal Revenue Code of
 7 1986, as amended, the primary rate set by the Legislature shall be
 8 multiplied by the following factors to compute the tax rates for
 9 column D. The factors for the brackets, from lowest to highest
 10 bracket, shall be .6784, .9432, 1.3541, and 1.8054;

11 (e) For taxable years beginning or deemed to begin on or
 12 after January 1, 2003, and before January 1, 2004, under the
 13 Internal Revenue Code of 1986, as amended, the primary rate set by
 14 the Legislature shall be multiplied by the following factors to
 15 compute the tax rates for column D. The factors for the brackets,
 16 from lowest to highest bracket, shall be .6932, .9646, 1.3846, and
 17 1.848;

18 (f) The amounts for column C shall be rounded to the
 19 nearest dollar, and the amounts in column D shall be rounded to
 20 hundredths of one percent; and

21 (g) One rate schedule shall be established for each
 22 federal filing status.

23 (3) The tax rate schedules shall use the format set forth
 24 in this subsection.

25	A	B	C	D	E
26	Taxable income	but not	pay	plus	of the
27	over	over			amount over

1 (4) The tax rate applied to other federal taxes included
 2 in the computation of the Nebraska individual income tax shall be
 3 eight times the primary rate.

4 (5) The Tax Commissioner shall prepare, from the rate
 5 schedules, tax tables which can be used by a majority of the
 6 taxpayers to determine their Nebraska tax liability. The design of
 7 the tax tables shall be determined by the Tax Commissioner. The
 8 size of the tax table brackets may change as the level of income
 9 changes. The difference in tax between two tax table brackets
 10 shall not exceed fifteen dollars. The Tax Commissioner may build
 11 the personal exemption credit and standard deduction amounts into
 12 the tax tables.

13 (6) The Tax Commissioner may require by rule and
 14 regulation that all taxpayers shall use the tax tables if their
 15 income is less than the maximum income included in the tax tables.

16 Sec. 5. Section 84-612, Revised Statutes Supplement,
 17 2002, as amended by section 1, Legislative Bill 798, Ninety-eighth
 18 Legislature, First Session, 2003, is amended to read:

19 84-612. (1) There is hereby created within the state
 20 treasury a fund known as the Cash Reserve Fund which shall be under
 21 the direction of the State Treasurer. The fund shall only be used
 22 pursuant to this section.

23 (2) The State Treasurer shall transfer funds from the
 24 Cash Reserve Fund to the General Fund upon certification by the
 25 Director of Administrative Services that the current cash balance
 26 in the General Fund is inadequate to meet current obligations.
 27 Such certification shall include the dollar amount to be

1 transferred. Any transfers made pursuant to this subsection shall
2 be reversed upon notification by the Director of Administrative
3 Services that sufficient funds are available.

4 (3) On July 23, 2001, the State Treasurer shall transfer
5 three hundred seventy thousand dollars from the Cash Reserve Fund
6 to the Municipal Natural Gas Regulation Revolving Loan Fund for
7 purposes of loaning to Nebraska communities that seek to review
8 natural gas rates. Any transfer made pursuant to this subsection
9 shall be reversed upon notification by the Director of Policy
10 Research that a sufficient court judgment has been obtained.

11 (4) Within fifteen days after July 1, 2002, the State
12 Treasurer shall transfer twenty-two million five hundred thousand
13 dollars from the Cash Reserve Fund to the General Fund.

14 (5) On or before June 16, 2003, the State Treasurer shall
15 transfer sixty-four million nine hundred thousand dollars from the
16 Cash Reserve Fund to the General Fund.

17 (6) On June 15, 2005, the State Treasurer shall transfer
18 twenty-two million five hundred thousand dollars from the General
19 Fund to the Cash Reserve Fund.

20 (7) On June 15, 2004, the State Treasurer shall transfer
21 three million dollars from the Cash Reserve Fund to the General
22 Fund.

23 (8) On June 15, 2005, the State Treasurer shall transfer
24 three million dollars from the Cash Reserve Fund to the General
25 Fund.

26 (9) The State Treasurer, at the direction of the budget
27 administrator of the budget division of the Department of
1 Administrative Services, shall transfer not to exceed five million
2 seven hundred twenty-seven thousand seven hundred seven dollars in
3 total from the Cash Reserve Fund to the Nebraska Capital
4 Construction Fund between July 1, 2003, and June 30, 2007.

5 (10) The State Treasurer, at the direction of the budget
6 administrator, shall transfer an amount equal to the total amount
7 transferred pursuant to subsection (9) of this section from the
8 General Fund to the Cash Reserve Fund on or before June 30, 2008.

9 (11) On June 15, 2004, the State Treasurer shall transfer
10 forty million six hundred thousand dollars from the General Fund to
11 the Cash Reserve Fund.

12 (12) The Governor and State Treasurer ~~In addition to~~
13 ~~receiving transfers from other funds, the Cash Reserve Fund shall~~
14 ~~receive credit~~ federal funds received by the State of Nebraska for
15 undesignated general government purposes, federal revenue sharing,
16 or general fiscal relief of the state to the Cash Reserve Fund,
17 except that for each of fiscal years 2003-04 and 2004-05, the State
18 Treasurer shall transfer twenty-nine million ninety-six thousand
19 dollars of such federal funds to the General Fund.

20 Sec. 7. Original section 84-612, Revised Statutes
21 Supplement, 2002, as amended by section 1, Legislative Bill 798,
22 Ninety-eighth Legislature, First Session, 2003, and section

23 77-2715.02, Revised Statutes Supplement, 2002, as amended by
 24 Legislative Bill 759, Ninety-eighth Legislature, First Session,
 25 2003, are repealed.".

26 2. Correct the operative date section so that the
 27 sections added by this amendment become operative on their
 1 effective date with the emergency clause.

2 3. Renumber the remaining sections accordingly.

Senator Beutler moved for a call of the house. The motion prevailed with 26
 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Senator Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 3:

Beutler	Cudaback	Cunningham

Voting in the negative, 30:

Brashear	Engel	Jones	Mines	Stuhr
Bromm	Erdman	Kremer	Pedersen, Dw.	Stuthman
Burling	Hudkins	Kruse	Pederson, D.	Thompson
Byars	Janssen	Landis	Raikes	Tyson
Combs	Jensen	Louden	Redfield	Vrtiska
Connealy	Johnson	McDonald	Smith	Wehrbein

Present and not voting, 13:

Baker	Chambers	Maxwell	Price	Synowiecki
Bourne	Foley	Mossey	Schimek	
Brown	Hartnett	Preister	Schrock	

Excused and not voting, 3:

Aguilar	Friend	Quandahl

The Beutler amendment lost with 3 ayes, 30 nays, 13 present and not voting,
 and 3 excused and not voting.

The Chair declared the call raised.

Senator Tyson offered the following amendment:
 AM2105

(Amendments to E & R amendments, AM7140)

- 1 1. On page 3, line 12; and page 4, line 14, strike
- 2 "July" and insert "October".
- 3 2. On page 11, strike beginning with "Sections" in line

4 18 through "July" in line 20 and insert "This act becomes operative
5 on October".

Senator Tyson withdrew his amendment.

Senators Synowiecki and Stuthman offered the following amendment:
(Amendment, AM2104, is on file and available in the Clerk's Office, Room
2014.)

Senator Synowiecki offered the following amendment to the Synowiecki-
Stuthman pending amendment:

FA1394

Amend AM2104

On page 26 strike lines 5-7

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

The Synowiecki amendment was adopted with 29 ayes, 0 nays, 16 present
and not voting, and 4 excused and not voting.

Senator Synowiecki moved for a call of the house. The motion prevailed
with 32 ayes, 0 nays, and 17 not voting.

Senator Synowiecki requested a roll call vote on the Synowiecki-Stuthman
amendment, as amended.

Voting in the affirmative, 14:

Bourne	Cunningham	Maxwell	Preister	Stuthman
Burling	Jensen	Mines	Schimek	Synowiecki
Chambers	Louden	Pedersen, Dw.	Smith	

Voting in the negative, 18:

Baker	Byars	Hudkins	Pederson, D.	Vrtiska
Brashear	Combs	Jones	Raikes	Wehrbein
Bromm	Cudaback	Landis	Redfield	
Brown	Erdman	Mossey	Thompson	

Present and not voting, 14:

Aguilar	Foley	Johnson	McDonald	Stuhr
Beutler	Hartnett	Kremer	Price	Tyson
Connealy	Janssen	Kruse	Schrock	

Excused and not voting, 3:

Engel	Friend	Quandahl

The Synowiecki-Stuthman amendment, as amended, lost with 14 ayes, 18 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Tyson offered the following amendment:
AM2106

(Amendments to E & R amendments, AM7140)

1. On page 11, line 19, after the period insert "Section 1 of this act becomes operative on October 1, 2003."
2. Correct the repealer accordingly.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

The Tyson amendment lost with 5 ayes, 22 nays, 18 present and not voting, and 4 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 790 and 790A.

ER9082

Enrollment and Review Change to LB 790

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Landis amendment, AM2035:
 - a. On page 1, line 20, "from" has been inserted before "a";
 - b. On page 2, line 16, "shall" has been struck and "does" inserted; and in line 17 "which is" has been inserted before "not";
 - c. On page 4, line 6, "the" has been inserted before the first "public"; and in line 11 "of" has been inserted after "reason";
 - d. On page 7, lines 21 and 22, the comma has been struck;
 - e. On page 9, line 21, a comma has been inserted after "requirements";
 - f. On page 10, line 10, "for public inspection" has been inserted after "available"; and in line 12 ", for public inspection" has been struck;
 - g. On page 15, line 3; and page 31, line 15, "act" has been struck and "State Natural Gas Regulation Act" inserted;
 - h. On page 16, lines 17 and 24, "natural gas public" has been struck;

- i. On page 20, line 25, "section" has been struck and "subsection" inserted; and in line 26 "jurisdictional" has been inserted before "utility";
 - j. On page 21, line 6, "properly" has been struck;
 - k. On page 22, line 4, the last comma has been struck; and the matter beginning with the period in line 21 through "shall" in line 22 has been struck and "and does" inserted;
 - l. On page 23, line 22, "shall act" has been inserted after "and";
 - m. On page 24, line 2, "commissioners" has been struck and "members of the commission" inserted; and in line 26 the comma has been struck;
 - n. On page 25, line 11, the comma has been struck;
 - o. On page 26, line 1, the comma has been struck; and in line 24 the last comma has been struck;
 - p. On page 32, line 3, the comma has been struck; in line 14 "and promulgated" has been inserted after "adopted"; in line 15 "for public inspection" has been inserted after "available"; and in line 16 "for public inspection" has been struck;
 - q. On page 35, line 27, the first comma has been struck;
 - r. On page 36, line 19, "public" has been struck;
 - s. On page 38, line 19; and page 40, line 26, the comma has been struck;
 - t. On page 44, line 22, "this" has been struck and "the" inserted; and in line 23 the second "act" has been struck and "State Natural Gas Regulation Act" inserted;
 - u. On page 45, line 7, a comma has been inserted before "following"; and
 - v. On page 48, line 17 the comma has been struck and "and" inserted; in line 18 the comma has been struck; and in line 25 an underscored comma has been inserted before "shall".
2. On page 1, lines 2 through 15 and all amendments thereto have been struck and "75-110.01, 75-112, 75-118, 75-129, 75-131, and 75-132, Reissue Revised Statutes of Nebraska, and sections 57-705, 59-1617, 75-101, 75-109, 75-109.01, 75-122.01, 75-128, 75-139.01, 75-156, and 84-612, Revised Statutes Supplement, 2002; to adopt the State Natural Gas Regulation Act; to repeal the Municipal Natural Gas Regulation Act; to create and eliminate funds; to provide powers and duties for the Public Service Commission; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 19-4601 to 19-4616 and 19-4618 to 19-4623, Reissue Revised Statutes of Nebraska, and section 19-4617, Revised Statutes Supplement, 2002; and to declare an emergency." inserted.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senators Chambers and Connealy filed the following amendment to LB 48: AM2081

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 81-3602, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

- 5 81-3602. (1)(a) The Rural Development Commission shall
6 consist of ~~nineteen~~ members who represent a wide range of rural
7 Nebraska interests.
- 8 (b) The Governor ~~with the advice of the commission~~ shall
9 appoint the ~~members of the commission~~ four members to the
10 commission. The Governor shall appoint a representative of his or
11 her office and one representative from each of the Department of
12 Economic Development, the Department of Agriculture, and the
13 Nebraska Health and Human Services System.
- 14 (c) The Speaker of the Legislature shall appoint one
15 member of the Legislature to the commission.
- 16 (d) Other members shall be selected by the members
17 appointed by the Governor and the Speaker of the Legislature to
18 represent federal agencies, local governments, tribal governments,
19 nonprofit organizations, regional economic development
20 organizations, the private sector, postsecondary education, and
21 youth. Entities representing such interests shall nominate
22 individuals for membership. Members selected under this
23 subdivision shall serve two-year terms.
- 24 (e) The chairperson and vice-chairperson of the
1 commission shall be elected by a majority of the ~~voting~~ members of
2 the commission at the first commission meeting in odd-numbered
3 years and shall each serve a two-year term as chairperson and
4 vice-chairperson, respectively. ~~The appointments may include~~
5 ~~representation from nonmetropolitan Nebraska residents, business,~~
6 ~~agriculture, nonprofit organizations, federal, state, and local~~
7 ~~government, Nebraska's Indian tribes, and other groups as necessary~~
8 ~~to conduct the business of the commission. The Governor and~~
9 ~~commission shall consider and attempt to balance representation~~
10 ~~based on political party affiliation, gender, race, age, community~~
11 ~~size, and the different geographical areas of Nebraska when making~~
12 ~~appointments.~~
- 13 (2) The terms of the initial members shall be as follows:
14 ~~Six members shall serve for one-year terms; seven members shall~~
15 ~~serve for two-year terms, including the members designated as~~
16 ~~chairperson and vice-chairperson; and four members shall serve for~~
17 ~~three-year terms. Thereafter members shall serve for terms of two~~
18 ~~years. The Governor shall appoint two ex officio, nonvoting~~
19 ~~members from the Legislature for two-year terms. Members may not~~
20 ~~serve more than three consecutive two-year terms, except that a~~
21 ~~member who serves a term as chairperson or vice-chairperson may~~
22 ~~serve a total of four consecutive two-year terms.~~
- 23 (3) (2) The commission shall meet at the call of the
24 chairperson or a majority of the ~~voting~~ members. The chairperson
25 shall call such meetings as he or she determines necessary to
26 fulfill the duties of the commission. A quorum shall be one-half
27 of the ~~voting~~ members.
- 1 (4) (3) The members of the commission shall be reimbursed
2 for their actual and necessary expenses as provided in sections

3 81-1174 to 81-1177 and pursuant to policies of the commission.
4 Sec. 2. Section 81-3606, Reissue Revised Statutes of
5 Nebraska, is amended to read:
6 81-3606. There is hereby created the Rural Development
7 Cash Fund which shall be used by the Rural Development Commission
8 for the purposes of sections 81-3601 to 81-3605. Money credited to
9 the fund shall include any monetary gifts, grants, and donations,
10 proceeds from contracts for services, and reimbursements of
11 expenses and at least seventy-five percent of any grant funds under
12 the National Rural Development Partnership received by the State of
13 Nebraska, up to three hundred thousand dollars, from the United
14 States Department of Agriculture. Any money in the fund available
15 for 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. Sections 81-3601 to 81-3609, Reissue Revised
19 Statutes of Nebraska, are revived.
20 Sec. 4. Original sections 81-3602 and 81-3606, Reissue
21 Revised Statutes of Nebraska, are repealed.
22 Sec. 5. Since an emergency exists, this act takes effect
23 when passed and approved according to law."

Senator Chambers filed the following amendment to LB 48:
FA1392

Amend AM2081

On page 1, in line 21 after "shall" insert "each", and in line 22 strike "individuals" and insert "one person".

VISITORS

Visitor to the Chamber was former Senator Don Wesely from Lincoln.

ADJOURNMENT

At 4:58 p.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Wednesday, May 28, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 28, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 28, 2003

PRAYER

The prayer was offered by Senator Bromm.

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, Erdman, Hudkins, Loudon, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

MOTION - Withdraw LR 132

Senator Schimek renewed her pending motion, found on page 1918, to withdraw LR 132.

The Schimek motion to withdraw prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 439A. Senator Beutler renewed the Hudkins-Beutler pending amendment, AM2015, found on page 1990.

Senator Wehrbein offered the following amendment to the Hudkins-Beutler pending amendment:
AM2072

(Amendments to AM2015)

- 1 1. On page 1, line 13, strike "\$3,208,330" and insert
- 2 "\$3,438,555"; in line 15 strike "\$3,326,183" and insert
- 3 "\$3,559,659"; and in line 22 strike "\$978,668" and insert

4 "\$1,079,712" and strike "\$999,724" and insert "\$1,102,789".

Senator Burling asked unanimous consent to be excused. No objections. So ordered.

Senator Wehrbein withdrew his amendment.

The Hudkins-Beutler 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.

LEGISLATIVE BILL 285. E & R amendment, AM7134, found on page 1675, was adopted.

Senator Brashear offered the following amendment:
AM2109

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 17, Legislative Bill 759,
- 4 Ninety-eighth Legislature, First Session, 2003, is amended to read:
- 5 Sec. 17. (1) Sales and use taxes shall not be imposed on
- 6 the labor of a contractor purchased in connection with:
- 7 (a) The first or original construction of a structure;
- 8 (b) The addition of an entire room or floor to any
- 9 existing building;
- 10 (c) The completion of an unfinished portion of an
- 11 existing structure;
- 12 (d) The restoration, reconstruction, or replacement of a
- 13 structure damaged or destroyed by fire, flood, tornado, lightning,
- 14 explosion, ice storm, or other natural disaster;
- 15 (e) The construction, repair, or annexation of any
- 16 structure used for the generation, transmission, or distribution of
- 17 electricity; or
- 18 (f) The major renovation of an existing building or a
- 19 unit of an existing building described in subdivision (2)(e)(ii) of
- 20 this section. The exemption granted in this subdivision shall be
- 21 conditioned upon notice from the contractor to the Department of
- 22 Revenue of the nature of the project and an explanation of why the
- 23 renovation will qualify for the exemption.
- 24 (2) For purposes of this section:
- 1 (a) Building means any freestanding structure annexed to
- 2 land, enclosed within a roof and exterior walls, regardless of
- 3 whether enclosed on all sides;
- 4 (b) Building materials means items that will be annexed
- 5 to land or an improvement on land. Building materials do not
- 6 include tools, supplies, or items that will not be annexed;
- 7 (c) Contractor means any person who repairs property
- 8 annexed to or who annexes property to real estate, including leased

9 property, by attaching ~~such person's own~~ building materials to the
10 improvement or annexed property being built or repaired. This
11 includes the installation of fixtures and the repair of a building,
12 structure, or fixture;

13 (d) Fixture means a piece of equipment that must be
14 annexed to the building or structure in order to properly function,
15 yet remains identifiable as a separate item;

16 (e) Major renovation of an existing building or a unit of
17 an existing building means a single renovation project that:

18 (i) Increases the market value of the building or unit by
19 at least one hundred percent; or

20 (ii) Entails the renovation of no less than seventy-five
21 percent of the square feet of the building or unit;

22 (f) Renovation means the rehabilitation, replacement, or
23 reconfiguration of walls or fixtures. Mere replacement of floor
24 coverings does not constitute renovation for purposes of
25 subdivision (1)(f) of this section;

26 (g) Structure means any construction composed of parts
27 arranged and fitted together in some way. Structure includes, but
1 is not limited to, streets and roadways, street lighting, and
2 sewers and waterlines; and

3 (h) Unit means a physical portion of a building
4 designated for separate ownership, rental, or occupancy.

5 (3) A taxpayer shall be entitled to a refund of any sales
6 tax paid on construction, annexation, or repair labor for any major
7 renovation described in subdivision (2)(e)(i) of this section. The
8 refund granted in this section shall be conditioned upon filing a
9 claim for the refund on a form developed by the Tax Commissioner.
10 The requirements imposed by the Tax Commissioner shall be related
11 to ensuring that the labor purchased qualifies for the refund. Any
12 information received pursuant to the requirements of this
13 subsection may be disclosed to any tax official in this state. Any
14 taxpayer who provides false information on the forms required by
15 the Tax Commissioner for purposes of this subsection shall be
16 subject to the penalties provided in subsection (8) of section
17 77-2705.

18 Sec. 2. This act becomes operative on October 1, 2003.

19 Sec. 3. Original section 17, Legislative Bill 759,

20 Ninety-eighth Legislature, First Session, 2003, is repealed."

The Brashear amendment was adopted with 27 ayes, 2 nays, 18 present and
not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 285A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 48. Senator Chambers withdrew his pending
amendment, AM1978, found on page 1888.

Senator Stuhr withdrew the Stuhr-Bromm pending amendment, AM2060, found on page 1995.

Senator Chambers renewed the Chambers-Connealy pending amendment, AM2081, found on page 2061.

Senator Chambers renewed his pending amendment, FA1392, found on page 2063, to the Chambers-Connealy pending amendment.

Senator Chambers withdrew his amendment.

Senator Schimek offered the following amendment to the Chambers-Connealy pending amendment:

FA1395

Amend AM2081

Strike "federal agencies" on line 18, page 1 and strike "and" on page 1; line 20 and on line 21 after "youth" insert "two members at large".

On line 21, page 1 strike "shall" and insert "may".

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 3 nays, and 22 not voting.

Senator Schimek withdrew her amendment.

Senator Baker requested a ruling of the Chair on whether the Chambers-Connealy amendment is germane to the bill.

The Chair ruled the Chambers-Connealy amendment is not germane to the bill.

Senator Chambers offered the following motion:

Suspend Rule 7, Section 3(d) to permit consideration of AM2081.

SPEAKER BROMM PRESIDING

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

SENATOR CUDABACK PRESIDING

Senator Hudkins 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 19 ayes, 0 nays, and 30 not voting.

The Chambers motion to suspend the rules prevailed with 34 ayes, 3 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Chambers-Connealy pending amendment, AM2081, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

The Chambers-Connealy amendment was adopted with 27 ayes, 7 nays, 12 present and not voting, and 3 excused and not voting.

Senators Brown, Foley, Friend, and Schrock 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 30 ayes, 0 nays, and 19 not voting.

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

Voting in the affirmative, 25:

Beutler	Combs	Hudkins	McDonald	Stuhr
Bourne	Connealy	Janssen	Pedersen, Dw.	Stuthman
Brashear	Cudaback	Jones	Preister	Synowiecki
Byars	Engel	Kruse	Price	Thompson
Chambers	Hartnett	Landis	Schimek	Wehrbein

Voting in the negative, 12:

Baker	Erdman	Quandahl	Smith
Bromm	Kremer	Raikes	Tyson
Cunningham	Mossey	Redfield	Vrtiska

Present and not voting, 5:

Aguilar	Jensen	Johnson	Maxwell	Pederson, D.

Excused and not voting, 7:

Brown	Foley	Louden	Schrock
Burling	Friend	Mines	

Advanced to E & R for engrossment with 25 ayes, 12 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 283.

(Signed) Ray Mossey, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 191. Introduced by Foley, 29.

WHEREAS, the Lincoln Southeast High School girls' track team won the Class A Girls' State Track Championship; and

WHEREAS, the Lincoln Southeast High School girls' track team claimed the 2003 title by compiling 67 points in the Class A Girls' State High School Track Meet, overcoming runner-up Omaha Marian High School which finished with 56 points; and

WHEREAS, with this title, the Lincoln Southeast High School girls' track team won its fourth consecutive Girls' State High School Track championship and its fifth title overall; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Lincoln Southeast High School girls' track team be congratulated for their exemplary effort this season and in the Class A Girls' State High School Track Meet.

2. That a copy of this resolution be sent to Coach Carol Moravec and Lincoln Southeast High School.

Laid over.

LEGISLATIVE RESOLUTION 192. Introduced by Byars, 30.

WHEREAS, Mel Mains began his news career in Beatrice, Nebraska, on KWBE in 1949, at the age of 19, spent 12 years as farm director and newscaster at KMA in Iowa, worked for Army Hometown News Center in Kansas City, Missouri, KIMO in Independence, Missouri, and KCTY-TV and later WDAF radio and TV in Kansas City, Missouri; and

WHEREAS, he continued his broadcast career with KOLN/KGIN TV in 1961 and for the next 34 years delivered the news to most of Nebraska and northern Kansas in what was one of the nation's geographically largest and most sparsely populated TV markets; and

WHEREAS, Mel Mains retired from TV broadcasting eight years ago but

continued to broadcast news at KWBE until two years ago; and

WHEREAS, Mel Mains died on May 27, 2003, after an extended battle with cancer.

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

1. That the Legislature extends its sympathies to his wife, Mrs. Karen Mains, and his family for their loss.

2. That a copy of this resolution be sent to Mrs. Karen Mains.

Laid over.

VISITORS

Visitors to the Chamber were Becky Gerber and Denise Teetor from Hastings.

RECESS

At 12:06 p.m., on a motion by Speaker 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 Bromm, Burling, Chambers, Maxwell, Schrock, and Thompson who were excused until they arrive.

MOTION - Print in Journal

Senator Bromm filed the following motion:

Indefinitely postpone the following bills: LBs 23, 29, 59, 59A, 62, 74, 121, 125, 133, 136, 144, 153, 162, 171, 178, 179, 180, 201, 221, 247, 254, 260, 272, 286, 298, 300, 302, 313, 327, 329, 344, 364, 383, 390, 427, 438, 455, 484, 489, 495, 522, 531, 564, 580, 600, 605, 628, 629, 632, 637, 645, 666, 699, 704, 713, 739, 803, and 808.

SELECT FILE

LEGISLATIVE BILL 461. Senator Janssen withdrew his pending amendment, AM1413, found on page 2015.

Senator Janssen offered the following amendment:

AM2111

1. On page 2, lines 17 through 22, strike new matter and

2 insert "The three candidates receiving the highest number of votes
3 at the general election shall be the officers of the township
4 board, and the three officers shall determine by majority vote
5 which officer shall serve as township clerk, township treasurer,
6 and chairperson of the township board.".

The Janssen 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.

MOTION - Return LB 720 to Select File

Senator Hartnett moved to return LB 720 to Select File for his specific pending amendment, AM2076, found on page 2042.

The Hartnett motion to return prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 720. The Hartnett specific pending amendment, AM2076, found on page 2042, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

MOTIONS - Return LB 622 to Select File

Senator Janssen moved to return LB 622 to Select File for the Janssen et al. specific pending amendment, AM2074, found on page 2049.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Janssen requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Aguilar	Cudaback	Louden	Preister	Thompson
Beutler	Friend	Maxwell	Schimek	Tyson
Bourne	Janssen	McDonald	Smith	
Combs	Johnson	Mines	Stuthman	
Connealy	Kruse	Pedersen, Dw.	Synowiecki	

Voting in the negative, 21:

Baker	Cunningham	Jones	Raikes	Wehrbein
Brashear	Engel	Kremer	Redfield	
Bromm	Erdman	Landis	Schrock	
Byars	Foley	Mossey	Stuhr	
Chambers	Hudkins	Pederson, D.	Vrtiska	

Present and not voting, 5:

Brown	Hartnett	Jensen	Price	Quandahl

Excused and not voting, 1:

Burling

The Janssen motion to return failed with 22 ayes, 21 nays, 5 present and not voting, and 1 excused and not voting.

Senator Landis moved to return LB 622 to Select File for the following Landis, Mines, Raikes, and Wehrbein specific amendment:

AM2115

(Amendments to Second Final Reading copy)

- 1 1. On page 3, line 5, before the new matter insert
- 2 "(a)"; in line 9 after "and" insert "(b)"; in line 10 after "Fund"
- 3 insert "that is in excess of three hundred thousand dollars"; and
- 4 in line 11 before the period insert "and the first three hundred
- 5 thousand dollars shall be distributed in the same manner as
- 6 provided in section 77-27,137.01 to municipalities that have not
- 7 adopted a local option sales tax by January 1 of the fiscal year
- 8 for which the fund is distributed".

The Landis motion to return prevailed with 30 ayes, 6 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 622. The Landis et al. specific amendment, AM2115, found in this day's Journal, was adopted with 31 ayes, 8 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

STANDING COMMITTEE REPORTS

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.

Boiler Safety Code Advisory Board

Thomas Hix
Robert Hill
William Yates

VOTE: Aye: Senators Vrtiska, Burling, Kremer, Combs, Hartnett, and Preister. Nay: None. Absent: Senator Chambers.

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 Lindahl

VOTE: Aye: Senators Vrtiska, Kremer, Combs, Hartnett, and Preister. Nay: None. Absent: Senators Burling and Chambers.

(Signed) Floyd P. Vrtiska, Chairperson

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

Nancy Oltman

VOTE: Aye: Senators Jensen, Byars, Cunningham, Maxwell, Erdman, Johnson, and Stuthman. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

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.

Environmental Trust Board

Barbara J. Batie
Robert Ravenscroft

VOTE: Aye: Senators Friend, Hudkins, Jones, Kremer, Loudon, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

Business and Labor

LEGISLATIVE BILL 278. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

MESSAGE FROM THE GOVERNOR

May 28, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 66e, 66Ae, 146, 156, 168e, 210, 249e, 513, and 754 were received in my office on May 22, 2003. I signed these bills and they were delivered to the Secretary of State on May 28, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

REPORT OF THE EXECUTIVE BOARD

The following legislative study resolution was rereferenced:

LR 143 Rereferred from Judiciary to Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

SPEAKER BROMM PRESIDING

MOTION - Return LR 11CA to Select File

Senator Brashear moved to return LR 11CA to Select File for his specific pending amendment, AM2102, found on page 2049.

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

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 48, 285, 285A, 439A, 461, and 720.

ER9087

Enrollment and Review Change to LB 48

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "civil" in line 1 through line 4 has been struck and "the Rural Development Commission; to amend sections 81-3602 and 81-3606, Reissue Revised Statutes of Nebraska; to revive sections 81-3601 to 81-3609, Reissue Revised Statutes of Nebraska; to revive provisions relating to the commission; to change provisions relating to the membership of the commission and funds available to the commission; to repeal the original sections; and to declare an emergency." inserted.

ER9086

Enrollment and Review Change to LB 285

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "sales and use taxes; to amend section 17, Legislative Bill 759, Ninety-eighth Legislature, First Session, 2003; to redefine a term; to provide an operative date; and to repeal the original section." inserted.

ER9088

Enrollment and Review Change to LB 720

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Hartnett amendment, AM2076, on page 3, line 25, "of the county" has been inserted after "board".

(Signed) Ray Mossey, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 193. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Combs, 32; Connealy, 16; Friend,

10; Janssen, 15; Landis, 46; Schimek, 27.

PURPOSE: To provide the opportunity for the Urban Affairs Committee to investigate and review matters and issues during the interim which are within the jurisdiction of the Urban Affairs Committee and which may be the subject of bills to be introduced in the 2004 legislative session.

The study will include:

(1) A review of legislation considered by the Urban Affairs Committee during the 2003 legislative session which was held in committee or otherwise determined to be worthy of additional scrutiny to determine what other action by the committee might be warranted with regard to the particular subjects of the individual bills including the following:

(a) To review current city and village economic development practices as authorized under the Community Development Law and determine what changes are necessary to make the law more effective in meeting local needs;

(b) To investigate the laws authorizing cities and villages to abate nuisances of various sorts, to determine how those statutes are being implemented, to identify problems regarding those statutes, and to propose changes to meet identified needs;

(c) To review the issues raised by LR 24CA regarding the use of home rule charters by cities and determine the desirability and need to expand the authority granted to cities in light of current legal authority and express limitations on local control; and

(d) To review the impact and implications of the passage of LB 654 and the underpinning legal support for the legislation.

(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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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.

MOTION - Return LR 11CA to Select File

Senator Brashear renewed his pending motion, found in this day's Journal, to return LR 11CA to Select File for his specific pending amendment, AM2102, found on page 2049.

Senator Chambers offered the following motion:
Bracket LR 11CA until May 30, 2003.

Senator Chambers withdrew his motion to bracket.

SENATOR BAKER PRESIDING

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 0 nays, and 25 not voting.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Brashear requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Aguilar	Brown	Cunningham	Landis	Raikes
Beutler	Byars	Friend	Maxwell	Schimek
Bourne	Combs	Hartnett	McDonald	Stuthman
Brashear	Connealy	Janssen	Mines	Synowiecki
Bromm	Cudaback	Kruse	Preister	Thompson

Voting in the negative, 21:

Baker	Hudkins	Louden	Schrock	Wehrbein
Chambers	Jensen	Mossey	Smith	
Engel	Johnson	Pederson, D.	Stuhr	
Erdman	Jones	Price	Tyson	
Foley	Kremer	Redfield	Vrtiska	

Present and not voting, 2:

Pedersen, Dw. Quandahl

Excused and not voting, 1:

Burling

The Brashear motion to return prevailed with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 11CA. The Brashear specific pending amendment, AM2102, found on page 2049, was renewed.

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.

Senator Janssen requested a roll call vote on the Brashear amendment.

Voting in the affirmative, 19:

Aguilar	Bromm	Cudaback	Landis	Preister
Beutler	Brown	Cunningham	Maxwell	Raikes
Bourne	Byars	Friend	McDonald	Schimek
Brashear	Connealy	Janssen	Mines	

Voting in the negative, 22:

Baker	Foley	Kremer	Quandahl	Tyson
Chambers	Hudkins	Louden	Redfield	Wehrbein
Combs	Jensen	Mossey	Smith	
Engel	Johnson	Pederson, D.	Stuhr	
Erdman	Jones	Price	Thompson	

Present and not voting, 7:

Hartnett	Pedersen, Dw.	Stuthman	Vrtiska
Kruse	Schrock	Synowiecki	

Excused and not voting, 1:

Burling

The Brashear specific amendment lost with 19 ayes, 22 nays, 7 present and not voting, and 1 excused and not voting.

Senator Tyson requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 21:

Aguilar	Connealy	Janssen	Preister	Thompson
Beutler	Cudaback	Landis	Schimek	
Bourne	Cunningham	Maxwell	Schrock	
Brown	Friend	McDonald	Stuthman	
Byars	Hartnett	Mines	Synowiecki	

Voting in the negative, 20:

Baker	Foley	Jones	Pederson, D.	Smith
Brashear	Hudkins	Kremer	Price	Stuhr
Engel	Jensen	Kruse	Quandahl	Tyson
Erdman	Johnson	Mossey	Redfield	Wehrbein

Present and not voting, 7:

Bromm	Combs	Pedersen, Dw.	Vrtiska
Chambers	Louden	Raikes	

Excused and not voting, 1:

Burling

Failed to readvance to Final Reading with 21 ayes, 20 nays, 7 present and not voting, and 1 excused and not voting.

SENATOR CUDABACK PRESIDING

MOTION - Return LB 285A to Select File

Senator Landis moved to return LB 285A to Select File for the following specific amendment:

AM2113

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$405,000
- 4 from the General Fund for FY2003-04 and (2) \$405,000 for FY2004-05
- 5 to the Department of Health and Human Services, for Program 30, the
- 6 Tobacco Prevention and Control Program."

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Landis requested a roll call vote on his motion to return.

Voting in the affirmative, 29:

Aguilar	Combs	Jones	Pedersen, Dw.	Schrock
Beutler	Connealy	Kruse	Pederson, D.	Stuhr
Bromm	Cunningham	Landis	Preister	Synowiecki
Brown	Engel	Louden	Price	Thompson
Byars	Jensen	McDonald	Raikes	Wehrbein
Chambers	Johnson	Mines	Schimek	

Voting in the negative, 17:

Baker	Foley	Janssen	Redfield	Vrtiska
Bourne	Friend	Kremer	Smith	
Brashear	Hartnett	Mossey	Stuthman	
Erdman	Hudkins	Quandahl	Tyson	

Present and not voting, 2:

Cudaback	Maxwell

Excused and not voting, 1:

Burling

The Landis motion to return prevailed with 29 ayes, 17 nays, 2 present and not voting, and 1 excused and not voting.

Senators Kremer and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 285A. The Landis specific amendment, AM2113, found in this day's Journal, was renewed.

Senator Combs 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 Landis requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Aguilar	Connealy	Kruse	Price	Thompson
Beutler	Cunningham	Landis	Raikes	Wehrbein
Brown	Engel	Louden	Schimek	
Byars	Jensen	McDonald	Schrock	
Chambers	Johnson	Mines	Stuhr	
Combs	Jones	Preister	Synowiecki	

Voting in the negative, 16:

Baker	Erdman	Janssen	Redfield
Bourne	Friend	Mossey	Smith
Brashear	Hartnett	Pedersen, Dw.	Stuthman
Bromm	Hudkins	Quandahl	Tyson

Present and not voting, 4:

Cudaback Foley Maxwell Vrtiska

Excused and not voting, 3:

Burling Kremer Pederson, D.

The Landis specific amendment was adopted with 26 ayes, 16 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 285A to Select File

Senator Wehrbein moved to return LB 285A to Select File for the following Wehrbein, Jones, and Cudaback specific amendment:
AM2120

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. There is hereby appropriated (1) \$250,000 from
- 3 the General Fund for FY2002-03 and (2) \$-0- from the General Fund
- 4 for FY2003-04 to the Department of Agriculture, for Program 333.
- 5 The unexpended General Fund balance existing on June 30,
- 6 2003, is hereby reappropriated to this program.
- 7 Sec. 3. Since an emergency exists, this act takes effect
- 8 when passed and approved according to law."

Senators Connealy and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

The Wehrbein motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 285A. The Wehrbein et al. specific amendment, AM2120, found in this day's Journal, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 596 to Select File

Senator Landis moved to return LB 596 to Select File for the following specific amendment:
AM2108

(Amendments to Final Reading copy)

- 1 1. On page 7, strike lines 24 through 28 and insert the
- 2 following new subsection:
- 3 "(11) For taxable years beginning or deemed to begin on

4 or after January 1, 2003, under the Internal Revenue Code of 1986,
5 as amended, federal adjusted gross income or, for corporations and
6 fiduciaries, federal taxable income shall be increased by the
7 amount of any capital investment that is expensed under section 179
8 of the Internal Revenue Code of 1986, as amended that is in excess
9 of twenty-five thousand dollars that is allowed under the federal
10 Jobs and Growth Tax Act of 2003. Twenty percent of the total
11 amount of expensing added back by this subsection for tax years
12 beginning or deemed to begin on or after January 1, 2003, may be
13 subtracted in the first taxable year beginning or deemed to begin
14 on or after January 1, 2006, under the Internal Revenue Code of
15 1986, as amended, and twenty percent in each of the next four
16 following tax years."
17 2. On page 8, strike line 1.

The Landis motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 596. The Landis specific amendment, AM2108, found in this day's Journal, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 608A to Select File

Senator Landis moved to return LB 608A to Select File for the following specific amendment:
AM2116

(Amendments to Final Reading copy)

- 1 1. Strike original section 2 and insert the following:
- 2 "Sec. 2. There is hereby appropriated (1) \$128,283 from
- 3 the General Fund for FY2003-04 and (2) \$131,368 from the General
- 4 Fund for FY2004-05 to the Department of Revenue, for Program 102,
- 5 to aid in carrying out the provisions of Legislative Bill 596,
- 6 Ninety-eighth Legislature, First Session, 2003.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$102,626 for FY2003-04 or \$105,094 for FY2004-05."

The Landis motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 608A. The Landis specific amendment, AM2116, found in this day's Journal, was adopted with 29 ayes, 0 nays, 16 present and

not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 48 to Select File

Senator Bromm moved to return LB 48 to Select File for the following Bromm, Chambers, and Stuhr specific amendment:
AM2114

(Amendments to Final Reading copy)

- 1 1. On page 2, line 14, strike "selected by the members";
- 2 in line 15 strike "and the Speaker of the Legislature"; and strike
- 3 beginning with the period in line 19 through "terms" in line 21.
- 4 2. On page 4, line 4, strike "and at least seventy-five
- 5 percent of any" and insert ". Any"; in line 6 strike "up to
- 6 three hundred thousand dollars,"; and in line 7 before the period
- 7 insert "shall be allocated to the commission".

The Bromm motion to return prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 48. The Bromm et al. specific amendment, AM2114, found in this day's Journal, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 622.

(Signed) Ray Mossey, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 194. Introduced by Education Committee: Raikes, 25, Chairperson; Bourne, 8; Brashear, 4; Byars, 30; Maxwell, 9; McDonald, 41; Schrock, 38; Stuhr, 24.

PURPOSE: The purpose of this resolution is to examine methods for determining amounts to be paid by the Department of Health and Human Services as education costs for wards of the state or wards of any court pursuant to subsection (7) of section 79-215.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 BILL 743. The Bourne pending motion, found on page 1992, to bracket until January 15, 2004, was renewed.

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

SPEAKER BROMM PRESIDING

Senator Mossey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Bourne withdrew his motion to bracket.

Senator Smith renewed the Smith-Baker pending amendment, AM1484, found on page 1459 and considered on page 1988.

Senator Beutler withdrew his pending amendments, AM1566, AM1565, AM1579, AM1569, AM1568, and AM1578, found on pages 1486 and 1487.

Senator Baker withdrew his pending amendments, AM1663 and AM1688, found on pages 1583 and 1595.

Senator Synowiecki renewed his pending amendment, AM1961, found on page 1887, to the Smith-Baker pending amendment.

SENATOR BRASHEAR PRESIDING

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 48, 285A, 596, and

608A.

ER9089

Enrollment and Review Change to LB 285A
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Landis amendment, AM2113, on page 1, line 4, "from the General Fund" has been inserted after "\$405,000".

2. On page 1, the matter beginning with "aid" in line 1 through line 3 has been struck and "the Department of Health and Human Services and the Department of Agriculture; and to declare an emergency." inserted.

ER9090

Enrollment and Review Change to LB 596

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Landis amendment, AM2108, on page 1, line 8, an underscored comma has been inserted after "amended".

(Signed) Ray Mossey, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 195. Introduced by Johnson, 37.

WHEREAS, Pastor David Nordstrom has served for forty years in the ministry of the Lutheran Church; and

WHEREAS, Pastor David Nordstrom will retire from the ministry on June 8, 2003; and

WHEREAS, a celebration in his honor will be held by request of the Nebraska Lutheran Senate at the First Lutheran Church in Kearney, Nebraska.

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

1. That the Legislature congratulate Pastor David Nordstrom on forty years of ministry in the Lutheran Church.

2. That a copy of this resolution be sent to Pastor David Nordstrom.

Laid over.

LEGISLATIVE RESOLUTION 196. Introduced by Johnson, 37.

WHEREAS, Pastor Harold Gronstal has served for forty-five years in the ministry of the Lutheran Church; and

WHEREAS, Pastor Harold Gronstal will retire from the ministry on June 8, 2003; and

WHEREAS, a celebration in his honor will be held by request of the Nebraska Lutheran Senate at the First Lutheran Church in Kearney, Nebraska.

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

1. That the Legislature congratulate Pastor Harold Gronstal on forty-five years of ministry in the Lutheran Church.
2. That a copy of this resolution be sent to Pastor Harold Gronstal.

Laid over.

WITHDRAW - Cointroducer

Senator McDonald withdrew her name as cointroducer to LB 598.

MOTION - Adjournment

Senator Schimek moved to adjourn. The motion prevailed with 22 ayes, 14 nays, 10 present and not voting, and 3 excused and not voting, and at 7:43 p.m., the Legislature adjourned until 9:00 a.m., Thursday, May 29, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 29, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 29, 2003

PRAYER

The prayer was offered by Senator Kruse.

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 Burling who was excused; and Senator Dw. Pedersen who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 2084, lines 3 and 22, strike "engrossment" and insert "reengrossment".
The Journal for the eighty-seventh day was approved as corrected.

**STANDING COMMITTEE REPORTS
Education**

LEGISLATIVE BILL 244. Indefinitely postponed.
LEGISLATIVE BILL 246. Indefinitely postponed.
LEGISLATIVE BILL 262. Indefinitely postponed.
LEGISLATIVE BILL 263. Indefinitely postponed.
LEGISLATIVE BILL 288. Indefinitely postponed.
LEGISLATIVE BILL 289. Indefinitely postponed.
LEGISLATIVE BILL 318. Indefinitely postponed.
LEGISLATIVE BILL 370. Indefinitely postponed.
LEGISLATIVE BILL 372. Indefinitely postponed.
LEGISLATIVE BILL 486. Indefinitely postponed.
LEGISLATIVE BILL 534. Indefinitely postponed.
LEGISLATIVE BILL 541. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

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.

Advisory Commission on Compulsive Gambling

Wayne Choat
Francis McGill
Lynda McNulty
Susan Parascand

VOTE: Aye: Senators Connealy, Cunningham, Erdman, Friend, Janssen, Mossey, and Schimek. Nay: None. Absent: Senator Landis.

(Signed) Ray Janssen, Chairperson

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 19.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-304, 25-1210, 25-1601, 25-1625, and 25-1628, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to security for costs, witnesses, jurors, and jury commissioners; to repeal the original sections; and to outright repeal sections 25-1701 and 25-1702, Revised Statutes Supplement, 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	Connealy	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Vrtiska
Brown	Friend	Louden	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	
Combs	Janssen	Mines	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Pedersen, Dw.

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 43 with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to criminal justice; to amend sections 23-1201, 43-274, and 43-290, Reissue Revised Statutes of Nebraska, and sections 28-101, 29-2258, 29-3601, 43-250, 43-276, and 43-2,129, Revised Statutes Supplement, 2002; to authorize city and county juvenile pretrial diversion programs; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to define terms; to create offenses relating to the use of methamphetamine; to provide penalties; to change provisions relating to temporary custody of juveniles; 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	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Burling

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

Senator Vrtiska 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 73 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 73.

A BILL FOR AN ACT relating to health; to amend section 44-1525, Revised Statutes Supplement, 2002; to adopt the Outpatient Surgical Procedures Data Act; to provide requirements for insurers; to proscribe an unfair trade practice in the business of insurance; 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	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Vrtiska

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 73A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, Ninety-eighth Legislature, First Session, 2003.

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	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 101.

A BILL FOR AN ACT relating to the State Highway Commission; to amend section 39-1108, Reissue Revised Statutes of Nebraska; to change provisions relating to 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, 47:

Aguilar	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Vrtiska

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 187 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 187.

A BILL FOR AN ACT relating to transportation and telecommunications to amend sections 14-115, 14-116, 15-901, 18-2432, 39-1311, 39-1311.01 to 39-1311.04, 70-604.06, 70-1016, 75-116, 75-121, 75-305, 75-1008, and 88-529, Reissue Revised Statutes of Nebraska, and sections 16-902, 17-1002, 75-117, 75-122.01, 75-128, 75-132.01, 75-134, 75-136, 75-156, 75-903, 86-123, 86-158, 86-313, 86-442, 86-457, and 86-578, Revised Statutes Supplement, 2002; to require subdivision plat reviews within highway corridors as prescribed; to change and eliminate appeal provisions for the Nebraska Power Review Board and the Public Service Commission to conform to the Administrative Procedure Act; to provide and change fees and the disposition of fees; to authorize civil penalties for violations of the Enhanced Wireless 911 Services Act; to change provisions relating to surcharge hearings under the Telecommunications Relay System Act; to harmonize provisions; to provide operative dates; 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, 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	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Mines 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 320. With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 24-721, Reissue Revised Statutes of Nebraska, section 24-703, Revised Statutes Supplement, 2002, and section 24-708, Revised Statutes Supplement, 2002, as amended by section 16, Legislative Bill 451, Ninety-eighth Legislature, First Session, 2003; to change provisions relating to eligibility and required contributions for judges' retirement and court fees; 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, 43:

Aguilar	Connealy	Janssen	McDonald	Schrock
Baker	Cudaback	Jensen	Mossey	Smith
Bourne	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Brashear	Engel	Jones	Pederson, D.	Stuthman
Bromm	Erdman	Kremer	Price	Thompson
Brown	Foley	Kruse	Quandahl	Tyson
Byars	Friend	Landis	Raikes	Wehrbein
Chambers	Hartnett	Louden	Redfield	
Combs	Hudkins	Maxwell	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Preister	Synowiecki

Excused and not voting, 3:

Burling	Mines	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.

MOTION - Return LB 320A to Select File

Senator Stuhr moved to return LB 320A to Select File for the following specific amendment:

FA1397

Strike the enacting clause.

Senator Stuhr withdrew her motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 320A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, Ninety-eighth Legislature, First Session, 2003; 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, 2:

Chambers Mossey

Voting in the negative, 35:

Aguilar	Cudaback	Janssen	McDonald	Schrock
Brashear	Cunningham	Jensen	Pedersen, Dw.	Smith
Bromm	Engel	Johnson	Pederson, D.	Stuhr
Brown	Erdman	Jones	Price	Stuthman
Byars	Foley	Kremer	Quandahl	Thompson
Combs	Friend	Landis	Raikes	Tyson
Connealy	Hudkins	Maxwell	Redfield	Wehrbein

Present and not voting, 9:

Baker	Bourne	Kruse	Preister	Synowiecki
Beutler	Hartnett	Louden	Schimek	

Excused and not voting, 3:

Burling Mines Vrtiska

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, 1:

Chambers

Voting in the negative, 37:

Aguilar	Cudaback	Jensen	Mossey	Stuhr
Baker	Cunningham	Johnson	Pedersen, Dw.	Stuthman
Brashear	Engel	Jones	Price	Thompson
Bromm	Erdman	Kremer	Quandahl	Tyson
Brown	Foley	Kruse	Raikes	Wehrbein
Byars	Friend	Landis	Schimek	
Combs	Hartnett	Maxwell	Schrock	
Connealy	Hudkins	McDonald	Smith	

Present and not voting, 8:

Beutler	Janssen	Pederson, D.	Redfield
Bourne	Louden	Preister	Synowiecki

Excused and not voting, 3:

Burling Mines Vrtiska

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 574 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 574. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska, sections 9-836.01, 71-17,104, 71-5715, 72-1239.01, 85-1803, 85-1804, 85-1807, 85-1808, and 85-1809, Revised Statutes Supplement, 2002, and section 9-812, Revised Statutes Supplement, 2002, as amended by section 1, Legislative Bill 367, Ninety-eighth Legislature, First Session, 2003; to adopt the Nebraska Scholarship Act and the Community Scholarship Foundation Program Act; to change provisions relating to the distribution of the State Lottery Operation Trust Fund, loans under the Nursing Student Loan Act, and scholarships for teen smoking prevention proposals; to provide duties for the Nebraska Investment Council and the state investment officer; to change provisions relating to the Nebraska educational savings plan trust; to eliminate quality education incentive payments, the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, and the State Scholarship Award Program Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 85-980 to 85-992, 85-993.01 to 85-997, 85-999 to 85-9,102.01, 85-9,117 to 85-9,124, 85-9,126 to 85-9,132.01, 85-9,140 to 85-9,155, and 85-9,157 to 85-9,162, Reissue Revised Statutes of Nebraska, and section 79-758, Revised Statutes Supplement, 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, 46:

Aguilar	Conneally	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Wehrbein
Brown	Friend	Louden	Redfield	
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 3:

Burling Mines 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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 574A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Ninety-eighth Legislature, First Session, 2003; 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	Combs	Hudkins	Maxwell	Schimek
Baker	Connealy	Janssen	McDonald	Schrock
Beutler	Cudaback	Jensen	Mossey	Smith
Bourne	Cunningham	Johnson	Pedersen, Dw.	Stuhr
Brashear	Engel	Jones	Preister	Stuthman
Bromm	Erdman	Kremer	Price	Synowiecki
Brown	Foley	Kruse	Quandahl	Thompson
Byars	Friend	Landis	Raikes	Tyson
Chambers	Hartnett	Louden	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 3:

Burling Mines 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.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to buildings; to amend sections 71-6403 and 71-6405, Reissue Revised Statutes of Nebraska, and sections 72-804 and 72-806, Revised Statutes Supplement, 2002; to change provisions relating to the state building code, political subdivision powers, and an energy conservation code; 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	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Baker	Cunningham	Jones	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Brashear	Foley	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	
Connealy	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 2:

Burling Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 655.

A BILL FOR AN ACT relating to liens; to amend sections 52-131, 52-135, 52-136, 52-201, and 70-641, Reissue Revised Statutes of Nebraska; to prohibit nonconsensual common-law liens as prescribed; to change provisions relating to construction liens, artisan liens, and contractor's bonds; 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, 46:

Aguilar	Conneally	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Broshear	Erdman	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Wehrbein
Brown	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Foley

Excused and not voting, 2:

Burling Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Kremer 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 17 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 17.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-603, 28-604, 29-2315.01, 29-2316, 29-2317, 29-2319, 29-2320, 29-2321, 29-3524, and 47-401, Reissue Revised Statutes of Nebraska, and sections 28-101 and 29-215, Revised Statutes Supplement, 2002; to define and eliminate terms; to prohibit sexual abuse of a protected individual; to state intent; to proscribe distribution of liquid mercury thermometers, selling puppies or kittens without mothers, and installing certain material in a motor vehicle; to provide penalties; to change penalties relating to forgery and criminal possession of a forged instrument; to provide powers and duties for law enforcement officers; to change provisions relating to appeals by prosecuting attorneys; to provide for fees for storing and maintaining

records; to permit offenders to leave jail for outpatient treatment; 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	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Wehrbein
Brown	Friend	Maxwell	Redfield	
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 3:

Burling Kremer Vrtiska

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 65.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska, and section 70-1001.01, Revised Statutes Supplement, 2002; to authorize special generation applications as prescribed; to provide duties for the Nebraska Power Review Board; 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	Combs	Janssen	Mines	Schimek
Baker	Connealy	Jensen	Mossey	Schrock
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Kremer	Pederson, D.	Stuthman
Brashear	Engel	Kruse	Preister	Synowiecki
Bromm	Erdman	Landis	Price	Thompson
Brown	Friend	Louden	Quandahl	Tyson
Byars	Hartnett	Maxwell	Raikes	Wehrbein
Chambers	Hudkins	McDonald	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Foley	Jones	Smith

Excused and not voting, 2:

Burling	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BROMM PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 95 with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-1301 and 71-1340, Reissue Revised Statutes of Nebraska, and sections 71-605, 71-606, 71-1301, and 71-1339, Revised Statutes Supplement, 2002; to adopt the Cremation of Human Remains Act; to provide penalties; to change penalty provisions relating to human skeletal remains and burial goods; to change provisions relating to the disposition of human remains; to define and redefine terms; to provide duties for hospitals; 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	Connealy	Janssen	Mines	Schimek
Baker	Cudaback	Jensen	Mossey	Schrock
Beutler	Cunningham	Johnson	Pedersen, Dw.	Smith
Brashear	Engel	Kremer	Pederson, D.	Stuhr
Bromm	Erdman	Kruse	Preister	Stuthman
Brown	Foley	Landis	Price	Synowiecki
Byars	Friend	Louden	Quandahl	Thompson
Chambers	Hartnett	Maxwell	Raikes	Tyson
Combs	Hudkins	McDonald	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Bourne Jones

Excused and not voting, 2:

Burling Vrtiska

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 95A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 95, Ninety-eighth Legislature, First Session, 2003.

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	Jensen	Mines	Schrock
Baker	Cunningham	Johnson	Mossey	Smith
Beutler	Engel	Jones	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Preister	Stuthman
Bromm	Foley	Kruse	Price	Synowiecki
Brown	Friend	Landis	Quandahl	Thompson
Byars	Hartnett	Louden	Raikes	Tyson
Chambers	Hudkins	Maxwell	Redfield	Wehrbein
Combs	Janssen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Bourne Cudaback Pederson, D.

Excused and not voting, 2:

Burling Vrtiska

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 209 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 209. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-498, 60-4,110, 60-4,129, 60-6,208, 60-6,211.04, 60-1513, 83-1,129, 84-205, and 84-913.03, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-4,118.06, 60-6,196, 60-6,197, 60-6,205 to 60-6,207, 60-6,209, and 60-6,211.05, Revised Statutes Supplement, 2002; to change, transfer, and eliminate provisions relating to administrative license revocation proceedings; to provide for a transfer of funds; to provide a duty for the Attorney General; to create a fund; 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, 47:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling 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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 209A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 209, Ninety-eighth Legislature, First Session, 2003; 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	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Baker	Cunningham	Jones	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Brashear	Foley	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Wehrbein
Brown	Hartnett	Maxwell	Redfield	
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	
Connealy	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Burling 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.

LEGISLATIVE BILL 430.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 84-502, Reissue Revised Statutes of Nebraska; to provide a duty to act as the chief protocol officer; 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	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Vrtiska

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 467 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 467.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-3001, 81-3004, 81-3006, 81-3008, 81-3009, 81-3101, 81-3102, 81-3106, 81-3107, 81-3202, 81-3206, 81-3207, 81-3301, 81-3302, 81-3306, and 81-3307, Reissue Revised Statutes of Nebraska, and sections 71-3406, 71-8250, and 81-3201, Revised Statutes Supplement, 2002; to rename an act; to change and eliminate provisions relating to the State Child Death Review Team, trauma care regions, and the Nebraska Health and Human Services System; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3002,

81-3002.01, 81-3003, 81-3005, 81-3007, 81-3010 to 81-3014, 81-3104, 81-3105, 81-3204, 81-3205, 81-3304, and 81-3305, 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	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Wehrbein
Brown	Friend	Louden	Redfield	
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	
Combs	Janssen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 2:

Burling Vrtiska

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 536.

A BILL FOR AN ACT relating to wines and wineries; to amend sections 53-101.02 and 53-123.11, Reissue Revised Statutes of Nebraska, and sections 53-103 and 53-304, Revised Statutes Supplement, 2002; to restate intent; to redefine a term; to change provisions relating to farm winery licenses and payments required by Nebraska wineries; 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	Conneally	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling Vrtiska

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 572 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 572. With Emergency.

A BILL FOR AN ACT relating to tobacco; to amend sections 69-2702, 77-2601, 77-2603, 77-2608, and 77-2620, Revised Statutes Supplement, 2002; to change provisions relating to enforcement of the Master Settlement Agreement and cigarette tax stamps; to provide and change powers and duties; to provide penalties; to provide for applicability of sections as prescribed; 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, 47:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 2:

Burling 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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 721.

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 authorize the creation of service fee funds; to eliminate a fund; 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	Connealy	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Wehrbein
Brown	Friend	Louden	Redfield	
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	
Combs	Janssen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 2:

Burling Vrtiska

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 19, 43, 73, 73A, 101, 187, 320, 574, 574A, 643, 655, 17, 65, 95, 95A, 209, 209A, 430, 467, 536, 572, and 721.

RESOLUTION

LEGISLATIVE RESOLUTION 74. Read. Considered.

LR 74 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 74.

STANDING COMMITTEE REPORTS **Education**

LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 573. Indefinitely postponed.
LEGISLATIVE BILL 575. Indefinitely postponed.
LEGISLATIVE BILL 597. Indefinitely postponed.
LEGISLATIVE BILL 653. Indefinitely postponed.
LEGISLATIVE BILL 659. Indefinitely postponed.
LEGISLATIVE BILL 672. Indefinitely postponed.
LEGISLATIVE BILL 682. Indefinitely postponed.
LEGISLATIVE BILL 683. Indefinitely postponed.
LEGISLATIVE BILL 684. Indefinitely postponed.
LEGISLATIVE BILL 777. Indefinitely postponed.
LEGISLATIVE BILL 778. Indefinitely postponed.
LEGISLATIVE BILL 785. Indefinitely postponed.
LEGISLATIVE BILL 786. Indefinitely postponed.
LEGISLATIVE BILL 795. Indefinitely postponed.

LEGISLATIVE BILL 797. Indefinitely postponed.

LEGISLATIVE BILL 800. Indefinitely postponed.

LEGISLATIVE RESOLUTION 13CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 15CA. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

REPORT OF THE EXECUTIVE BOARD

2003 Resolutions calling for an Interim Study

LR 193 Interim study to examine issues under the jurisdiction of the Urban Affairs Committee
Urban Affairs

LR 194 Interim study to examine methods for determining amounts to be paid by the Dept. of Health and Human Services as education costs for wards of the state
Education

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were Kathy Christenson and Logen Nelson from Marquette; and members and advisor with the Nuestro Futuro 4-H Leadership Group from Lexington.

ADJOURNMENT

At 10:59 a.m., on a motion by Senator Mines, the Legislature adjourned until 1:00 p.m., Friday, May 30, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 30, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****EIGHTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, May 30, 2003

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:00 p.m., Speaker Bromm presiding.

The roll was called and all members were present except Senator Mines who was excused; and Senator Synowiecki who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 2082, lines 7 and 29, strike "engrossment" and insert "reengrossment". The Journal for the eighty-seventh day was approved as corrected.

The Journal for the eighty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 2003, at 11:00 a.m. were the following: LBs 19, 43, 73, 73A, 101, 187, 320e, 574e, 574Ae, 643, 655, 17, 65, 95, 95A, 209e, 209Ae, 430, 467, 536, 572e, and 721.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 29, 2003, 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

Pappas, James E.
Cavanaugh Law Firm P.C.

REPORTS

The following report was received by the Legislature:

Legislative Program Evaluation Committee

Legislative Program Evaluation Committee Final Committee Report,
Department of Environmental Quality: Administering the Livestock
Waste Management Act

MESSAGE FROM THE GOVERNOR

May 29, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 17, 19, 43, 65, 73, 73A, 95, 95A, 101, 187, 209e, 209Ae, 320e, 430, 467, 536, 572e, 574e, 574Ae, 643, 655, and 721 were received in my office on May 29, 2003. I signed these bills and they were delivered to the Secretary of State on May 29, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 48. With Emergency.

A BILL FOR AN ACT relating to the Rural Development Commission; to amend sections 81-3602 and 81-3606, Reissue Revised Statutes of Nebraska; to revive sections 81-3601 to 81-3609, Reissue Revised Statutes of Nebraska; to revive provisions relating to the commission; to change provisions relating to the membership of the commission and funds available to the commission; 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, 43:

Aguilar	Combs	Janssen	McDonald	Smith
Beutler	Connealy	Jensen	Mossey	Stuhr
Bourne	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Brashear	Cunningham	Jones	Pederson, D.	Thompson
Bromm	Engel	Kremer	Preister	Tyson
Brown	Erdman	Kruse	Price	Vrtiska
Burling	Foley	Landis	Raikes	Wehrbein
Byars	Hartnett	Louden	Schimek	
Chambers	Hudkins	Maxwell	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Baker	Friend	Quandahl	Redfield

Excused and not voting, 2:

Mines	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.

LEGISLATIVE BILL 283. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 53-160, Reissue Revised Statutes of Nebraska, and sections 77-2101.03 and 77-27,222, Revised Statutes Supplement, 2002; to change provisions relating to tax on the sale of alcohol, estate taxes, and child care tax credits; 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, 40:

Aguilar	Chambers	Hudkins	Louden	Schimek
Baker	Combs	Janssen	McDonald	Schrock
Beutler	Connealy	Jensen	Pedersen, Dw.	Smith
Brashear	Cudaback	Johnson	Pederson, D.	Stuhr
Bromm	Cunningham	Jones	Price	Stuthman
Brown	Engel	Kremer	Quandahl	Thompson
Burling	Erdman	Kruse	Raikes	Vrtiska
Byars	Foley	Landis	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 7:

Bourne	Hartnett	Mossey	Tyson
Friend	Maxwell	Preister	

Excused and not voting, 2:

Mines	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.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 17, Legislative Bill 759, Ninety-eighth Legislature, First Session, 2003; to redefine a term; 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, 36:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Johnson	Pederson, D.	Thompson
Brashear	Cunningham	Jones	Price	Vrtiska
Bromm	Engel	Kremer	Raikes	Wehrbein
Brown	Foley	Kruse	Redfield	
Byars	Hartnett	Landis	Schimek	
Chambers	Hudkins	Louden	Schrock	
Combs	Janssen	McDonald	Stuhr	

Voting in the negative, 7:

Burling	Friend	Quandahl	Tyson
Erdman	Mossey	Smith	

Present and not voting, 4:

Baker	Bourne	Maxwell	Preister

Excused and not voting, 2:

Mines	Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services and the Department of Agriculture; 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:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Johnson	Pederson, D.	Thompson
Brashear	Cunningham	Jones	Price	Vrtiska
Bromm	Engel	Kremer	Raikes	Wehrbein
Brown	Foley	Kruse	Redfield	
Byars	Hartnett	Landis	Schimek	
Chambers	Hudkins	Louden	Schrock	
Combs	Janssen	McDonald	Stuhr	

Voting in the negative, 1:

Smith

Present and not voting, 10:

Baker	Burling	Friend	Mossey	Quandahl
Bourne	Erdman	Maxwell	Preister	Tyson

Excused and not voting, 2:

Mines 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.

LEGISLATIVE BILL 461.

A BILL FOR AN ACT relating to elections; to amend sections 23-222, 32-530, and 32-618, Reissue Revised Statutes of Nebraska; to change provisions relating to election of township officers and nominations by petition; 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	Combs	Janssen	Mossey	Smith
Baker	Connealy	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Louden	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 596.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-2716.01, Revised Statutes Supplement, 2002; to change income tax calculation; 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	Combs	Jensen	McDonald	Schrock
Beutler	Connealy	Johnson	Pedersen, Dw.	Stuhr
Brashear	Cudaback	Jones	Pederson, D.	Stuthman
Bromm	Cunningham	Kremer	Preister	Synowiecki
Brown	Engel	Kruse	Price	Thompson
Burling	Hartnett	Landis	Raikes	Vrtiska
Byars	Hudkins	Louden	Redfield	Wehrbein
Chambers	Janssen	Maxwell	Schimek	

Voting in the negative, 7:

Baker	Foley	Quandahl	Tyson
Erdman	Friend	Smith	

Present and not voting, 2:

Bourne Mossey

Excused and not voting, 1:

Mines

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 48, 283, 285, 285A, and 461.

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 608 with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 608.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,188.01, 77-27,189, and 77-27,191, Reissue Revised Statutes of Nebraska, and sections 77-27,187 to 77-27,188, 77-27,188.02, 77-27,190, 77-27,194, and 77-27,195, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the Employment Expansion and Investment Incentive Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 13-2113, Reissue Revised Statutes of Nebraska, and section 77-27,193, Revised Statutes Supplement, 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Jensen	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Johnson	Pederson, D.	Synowiecki
Bourne	Cunningham	Jones	Preister	Thompson
Brashear	Engel	Kremer	Price	Vrtiska
Bromm	Erdman	Kruse	Raikes	Wehrbein
Brown	Foley	Landis	Redfield	
Burling	Friend	Louden	Schimek	
Byars	Hartnett	Maxwell	Schrock	
Chambers	Hudkins	McDonald	Smith	

Voting in the negative, 1:

Tyson

Present and not voting, 1:

Quandahl

Excused and not voting, 1:

Mines

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 608A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bills 596 and 608, Ninety-eighth Legislature, First Session, 2003.

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	McDonald	Schrock
Baker	Combs	Janssen	Mossey	Smith
Beutler	Connealy	Jensen	Pedersen, Dw.	Stuhr
Bourne	Cudaback	Johnson	Pederson, D.	Stuthman
Brashear	Cunningham	Jones	Preister	Synowiecki
Bromm	Engel	Kremer	Price	Thompson
Brown	Foley	Kruse	Raikes	Vrtiska
Burling	Friend	Landis	Redfield	Wehrbein
Byars	Hartnett	Louden	Schimek	

Voting in the negative, 1:

Quandahl

Present and not voting, 3:

Erdman Maxwell Tyson

Excused and not voting, 1:

Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 622. With Emergency.

A BILL FOR AN ACT relating to revenue; to amend sections 77-27,139.03 and 77-3618, Revised Statutes Supplement, 2002; to change a state aid allocation formula; to provide a minimum levy adjustment for the County Property Tax Relief Program; to suspend appropriations for county property tax relief as prescribed; 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, 28:

Aguilar	Chambers	Jensen	Pedersen, Dw.	Smith
Baker	Combs	Johnson	Pederson, D.	Stuhr
Brashear	Connealy	Kremer	Price	Thompson
Bromm	Engel	Kruse	Redfield	Wehrbein
Brown	Hartnett	Landis	Schimek	
Burling	Hudkins	Mossey	Schrock	

Voting in the negative, 17:

Beutler	Erdman	Louden	Quandahl	Vrtiska
Bourne	Friend	Maxwell	Stuthman	
Byars	Janssen	McDonald	Synowiecki	
Cunningham	Jones	Preister	Tyson	

Present and not voting, 3:

Cudaback	Foley	Raikes

Excused and not voting, 1:

Mines

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:

Aguilar	Chambers	Jensen	Pedersen, Dw.	Schrock
Baker	Combs	Johnson	Pederson, D.	Smith
Brashear	Connealy	Kremer	Price	Stuhr
Bromm	Engel	Kruse	Raikes	Thompson
Brown	Hartnett	Landis	Redfield	Wehrbein
Burling	Hudkins	Mossey	Schimek	

Voting in the negative, 17:

Beutler	Erdman	Louden	Quandahl	Vrtiska
Bourne	Friend	Maxwell	Stuthman	
Byars	Janssen	McDonald	Synowiecki	
Cunningham	Jones	Preister	Tyson	

Present and not voting, 2:

Cudaback Foley

Excused and not voting, 1:

Mines

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider Action on LB 622

Senator Raikes offered the following motion:

Reconsider the vote on LB 622 with the emergency clause attached.

The Raikes motion to reconsider prevailed with 34 ayes, 5 nays, 9 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 622. 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, 33:

Aguilar	Byars	Jensen	Pedersen, Dw.	Smith
Baker	Chambers	Johnson	Pederson, D.	Stuhr
Bourne	Combs	Kremer	Price	Stuthman
Brashear	Connealy	Kruse	Raikes	Thompson
Bromm	Engel	Landis	Redfield	Wehrbein
Brown	Hartnett	Louden	Schimek	
Burling	Hudkins	Mossey	Schrock	

Voting in the negative, 8:

Cunningham	Jones	Preister	Synowiecki
Erdman	McDonald	Quandahl	Tyson

Present and not voting, 7:

Beutler	Foley	Janssen	Vrtiska
Cudaback	Friend	Maxwell	

Excused and not voting, 1:

Mines

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 bills were read and put upon final passage:

LEGISLATIVE BILL 626.

A BILL FOR AN ACT relating to state government; to amend section 81-1118, Revised Statutes Supplement, 2002; to provide requirements for contracts for services; to change requirements for purchases and leases of personal property; 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	Combs	Janssen	Mossey	Stuhr
Baker	Connealy	Jensen	Pedersen, Dw.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Landis	Redfield	Wehrbein
Burling	Friend	Louden	Schimek	
Byars	Hartnett	Maxwell	Schrock	
Chambers	Hudkins	McDonald	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 1:

Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 626A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 626, Ninety-eighth Legislature, First Session, 2003.

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	Combs	Janssen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Preister	Stuthman
Bourne	Engel	Kremer	Price	Synowiecki
Bromm	Erdman	Kruse	Quandahl	Thompson
Brown	Foley	Landis	Raikes	Tyson
Burling	Friend	Louden	Redfield	Vrtiska
Byars	Hartnett	Maxwell	Schimek	Wehrbein
Chambers	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Cudaback	Jensen	Pederson, D.

Excused and not voting, 1:

Mines

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 720 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 720.

A BILL FOR AN ACT relating to the Transit Authority Law; to amend sections 14-1801, 14-1803, 14-1813, 14-1820, 14-1821, and 14-1823, Reissue Revised Statutes of Nebraska, and section 14-1805, Revised Statutes Supplement, 2002; to change provisions relating to transit authority jurisdiction, taxing authority, and board membership; 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	Combs	Janssen	Mossey	Smith
Baker	Connealy	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Louden	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Mines

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 596, 608, 608A, 622, 626, and 626A.

MOTION - Return LB 790 to Select File

Senator Landis moved to return LB 790 to Select File for the following specific amendment:

FA1398

Strike the enacting clause.

Senator Landis 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 790 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 790. With Emergency.

A BILL FOR AN ACT relating to natural gas; to amend sections 75-102, 75-110.01, 75-112, 75-118, 75-129, 75-131, and 75-132, Reissue Revised Statutes of Nebraska, and sections 57-705, 59-1617, 75-101, 75-109, 75-109.01, 75-122.01, 75-128, 75-139.01, 75-156, and 84-612, Revised Statutes Supplement, 2002; to adopt the State Natural Gas Regulation Act; to repeal the Municipal Natural Gas Regulation Act; to create and eliminate funds; to provide powers and duties for the Public Service Commission; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 19-4601 to 19-4616 and 19-4618 to 19-4623, Reissue Revised Statutes of Nebraska, and section 19-4617, Revised Statutes Supplement, 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	Chambers	Hartnett	Louden	Schrock
Baker	Combs	Hudkins	Maxwell	Smith
Beutler	Connealy	Janssen	McDonald	Stuhr
Bourne	Cudaback	Jensen	Mossey	Stuthman
Brashear	Cunningham	Johnson	Pederson, D.	Synowiecki
Bromm	Engel	Jones	Preister	Thompson
Brown	Erdman	Kremer	Price	Tyson
Burling	Foley	Kruse	Raikes	Vrtiska
Byars	Friend	Landis	Schimek	Wehrbein

Voting in the negative, 1:

Pedersen, Dw.

Present and not voting, 2:

Quandahl Redfield

Excused and not voting, 1:

Mines

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 790A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 790, Ninety-eighth Legislature, First Session, 2003; 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	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Bromm	Erdman	Kruse	Quandahl	Tyson
Brown	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Louden	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Chambers	Hudkins	McDonald	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 1:

Mines

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 720, 790, and 790A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 189. Read. Considered.

LEGISLATIVE RESOLUTION 190. Read. Considered.

LEGISLATIVE RESOLUTION 191. Read. Considered.

LEGISLATIVE RESOLUTION 192. Read. Considered.

LEGISLATIVE RESOLUTION 195. Read. Considered.

LEGISLATIVE RESOLUTION 196. Read. Considered.

LRs 189, 190, 191, 192, 195, and 196 were adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Senator Burling offered the following motion:
Suspend Rule 4, Section 6, to permit consideration of LR 197.

The Burling motion to suspend the rules prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 197. Introduced by Burling, 33.

WHEREAS, the Silver Lake High School Girls track team received first place honors at the 2003 Nebraska State High School track championships; and

WHEREAS, the Silver Lake girls track team, after a superbly hard-fought meet, emerged triumphant recording their first state championship in school history; and

WHEREAS, the skill, experience, and determination of the Mustangs led to their triumphant victory over Twin Valley Conference rival Harvard 58-30 for the Class D team title at Burke Stadium in Omaha; and

WHEREAS, the communities of Roseland, Holstein, Campbell, and Bladen 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 Silver lake High School.

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 Silver Lake Mustangs Class D State Championship Girls Track Team and the coaches.

2. That a copy of this resolution be presented, on behalf of the team and Silver Lake High School, to the Lady Mustangs head coach, Toni Fowler.

Pursuant to Rule 4, Section 5, LR 197 was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 189, 190, 191, 192, 195, 196, and 197.

MOTIONS - Approve Appointments

Senator Vrtiska moved the adoption of the Business and Labor Committee report for the confirmation of the following appointments found on page 2073:

Boiler Safety Code Advisory Board

Thomas Hix

Robert Hill

William Yates

Voting in the affirmative, 39:

Aguilar	Cudaback	Janssen	McDonald	Schrock
Baker	Cunningham	Jensen	Pedersen, Dw.	Smith
Bourne	Engel	Johnson	Preister	Stuthman
Burling	Erdman	Jones	Price	Synowiecki
Byars	Foley	Kruse	Quandahl	Tyson
Chambers	Friend	Landis	Raikes	Vrtiska
Combs	Hartnett	Louden	Redfield	Wehrbein
Connealy	Hudkins	Maxwell	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Bromm	Kremer	Pederson, D.	Thompson
Brashear	Brown	Mossey	Stuhr	

Excused and not voting, 1:

Mines

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Vrtiska moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment found on page 2074:

Commission of Industrial Relations
Loren Lindahl

Voting in the affirmative, 37:

Baker	Engel	Kruse	Price	Stuthman
Bourne	Erdman	Landis	Quandahl	Synowiecki
Byars	Friend	Louden	Raikes	Tyson
Chambers	Hudkins	Maxwell	Redfield	Vrtiska
Combs	Janssen	McDonald	Schimek	Wehrbein
Connealy	Johnson	Mossey	Schrock	
Cudaback	Jones	Pedersen, Dw.	Smith	
Cunningham	Kremer	Preister	Stuhr	

Voting in the negative, 0.

Present and not voting, 11:

Aguilar	Bromm	Foley	Pederson, D.
Beutler	Brown	Hartnett	Thompson
Brashear	Burling	Jensen	

Excused and not voting, 1:

Mines

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Janssen moved the adoption of the General Affairs Committee report for the confirmation of the following appointments found on page 2090:

Advisory Commission on Compulsive Gambling
Wayne Choat
Francis McGill
Lynda McNulty
Susan Parascand

Voting in the affirmative, 39:

Aguilar	Combs	Janssen	McDonald	Schimek
Baker	Connealy	Jensen	Mossey	Schrock
Bourne	Cudaback	Jones	Pedersen, Dw.	Smith
Bromm	Engel	Kremer	Preister	Stuhr
Brown	Erdman	Kruse	Price	Stuthman
Burling	Friend	Landis	Quandahl	Synowiecki
Byars	Hartnett	Louden	Raikes	Wehrbein
Chambers	Hudkins	Maxwell	Redfield	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Cunningham	Johnson	Thompson	Vrtiska
Brashear	Foley	Pederson, D.	Tyson	

Excused and not voting, 1:

Mines

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment found on page 2074:

Commission for the Blind and Visually Impaired
Nancy Oltman

Voting in the affirmative, 36:

Baker	Engel	Kremer	Preister	Stuthman
Bourne	Erdman	Kruse	Price	Synowiecki
Burling	Foley	Landis	Quandahl	Vrtiska
Byars	Friend	Louden	Redfield	Wehrbein
Chambers	Hartnett	Maxwell	Schimek	
Combs	Hudkins	McDonald	Schrock	
Connealy	Janssen	Mossey	Smith	
Cudaback	Jones	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 12:

Aguilar	Bromm	Jensen	Raikes
Beutler	Brown	Johnson	Thompson
Brashear	Cunningham	Pederson, D.	Tyson

Excused and not voting, 1:

Mines

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 2042:

Power Review Board
Mark Hunzeker

Voting in the affirmative, 35:

Baker	Conneally	Janssen	McDonald	Schimek
Bourne	Cudaback	Jensen	Mossey	Schrock
Brown	Engel	Jones	Pedersen, Dw.	Smith
Burling	Erdman	Kremer	Preister	Stuhr
Byars	Friend	Landis	Price	Synowiecki
Chambers	Hartnett	Louden	Quandahl	Vrtiska
Combs	Hudkins	Maxwell	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 13:

Aguilar	Bromm	Johnson	Raikes	Tyson
Beutler	Cunningham	Kruse	Stuthman	
Brashear	Foley	Pederson, D.	Thompson	

Excused and not voting, 1:

Mines

The appointment was confirmed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointments found on page 2074:

Environmental Trust Board
Barbara J. Batie
Robert Ravenscroft

Voting in the affirmative, 37:

Aguilar	Cudaback	Jones	Pederson, D.	Stuthman
Baker	Cunningham	Kruse	Preister	Synowiecki
Beutler	Erdman	Landis	Quandahl	Tyson
Bourne	Foley	Louden	Redfield	Vrtiska
Bromm	Friend	Maxwell	Schimek	Wehrbein
Burling	Hartnett	McDonald	Schrock	
Byars	Janssen	Mossey	Smith	
Combs	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 11:

Brashear	Connealy	Johnson	Raikes
Brown	Engel	Kremer	Thompson
Chambers	Hudkins	Price	

Excused and not voting, 1:

Mines

The appointments were confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 30, 2003, at 2:09 p.m. were the following: LBs 48e, 283e, 285, 285Ae, and 461.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

Presented to the Governor on May 30, 2003, at 2:19 p.m. were the following: LBs 596, 608, 608A, 622e, 626, and 626A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

Presented to the Governor on May 30, 2003, at 2:30 p.m. were the following: LBs 720, 790e, and 790Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 198. Introduced by Government, Military

and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1.

PURPOSE: The purpose of this study is to examine the efficiency of local government, particularly county, city, and township government. This study will explore Nebraska's current county-county merger and county-city merger statutes to determine their feasibility and whether improvements need to be made. The study will also examine whether other states have township forms of government, and how other states have structured and reduced local government.

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

REPORT OF THE EXECUTIVE BOARD

2003 Resolutions calling for an Interim Study

LR 198 Interim study to examine the efficiency of local government, particularly county, city, and township government
Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

MESSAGE FROM THE GOVERNOR

May 30, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 48e, 283e, 285, 285Ae, 461, 596, 608, 608A, 622e, 626, 626A, 720, 790e, 790Ae were received in my office on May 30, 2003. I signed these bills and they were delivered to the Secretary of State on May 30, 2003.

Sincerely,
(Signed) Mike Johanns
Governor

WITHDRAW - Motion

Senator Bromm withdrew his pending motion, found on page 2071, to indefinitely postpone the following bills: LBs 23, 29, 59, 59A, 62, 74, 121, 125, 133, 136, 144, 153, 162, 171, 178, 179, 180, 201, 221, 247, 254, 260, 272, 286, 298, 300, 302, 313, 327, 329, 344, 364, 383, 390, 427, 438, 455, 484, 489, 495, 522, 531, 564, 580, 600, 605, 628, 629, 632, 637, 645, 666, 699, 704, 713, 739, 803, and 808.

MOTION - Suspend Rules

Senator Bromm offered the following motion:
Suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, to indefinitely postpone the following bills whose provisions have been included in other enacted legislation: LBs 23, 29, 59, 59A, 62, 74, 121, 125, 133, 136, 144, 153, 162, 171, 178, 179, 180, 201, 221, 247, 254, 260, 272, 286, 298, 300, 302, 313, 327, 329, 344, 364, 383, 390, 427, 438, 455, 489, 495, 522, 531, 564, 580, 600, 605, 628, 629, 632, 637, 645, 666, 699, 704, 713, 739, 803, and 808.

The Bromm motion to suspend the rules prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

MOTION - Notify Governor

Senator Vrtiska moved that a committee of five be appointed to notify the Governor that the Ninety-Eighth Legislature, First 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.

SPEAKER BROMM PRESIDING

The Chair appointed Senators Wehrbein, Landis, Brashear, Raikes, and Schimek 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 Governor Johanns from the Chamber.

SENATOR CUDABACK PRESIDING

MOTION - Journal, Session Laws, and Indexes

Senator Hartnett 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 35 ninth- through twelfth-grade students and teachers from the Sandhills.

MOTION - Adjourn Sine Die

Senator Bromm moved that the Journal for the Eighty-Ninth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Eighth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 3:29 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature