

**FORTY-EIGHTH DAY - MARCH 24, 2004****LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE  
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 24, 2004

**PRAYER**

The prayer was offered by Pastor Jason Hanselman, Platte Valley Bible College, Scottsbluff.

**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, Brown, Landis, Louden, D. Pederson, Raikes, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**MOTION - Approve Appointments**

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointments found on page 1182:

Nebraska Transit and Rail Advisory Council

Allan Abbott  
Anne Boyle  
Duane Eitel  
Roger Figard  
David Gilfillan  
Georgia Janssen  
Steve McBeth  
Paul Mullen  
Thomas Mulligan  
Roberto Munguia  
Gary Ruegg

Voting in the affirmative, 31:

Baker	Erdman	Johnson	Price	Synowiecki
Bourne	Foley	Jones	Quandahl	Vrtiska
Burling	Friend	Kruse	Redfield	Wehrbein
Byars	Hartnett	Maxwell	Schimek	
Combs	Hudkins	McDonald	Schrock	
Connealy	Janssen	Mines	Stuhr	
Cudaback	Jensen	Pedersen, Dw.	Stuthman	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Chambers	Kremer	Smith
Brashear	Cunningham	Mossey	Thompson
Bromm	Engel	Preister	

Excused and not voting, 7:

Aguilar	Landis	Pederson, D.	Tyson
Brown	Louden	Raikes	

The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 973.** E & R amendment, AM7201, printed separately and referred to on page 1153, was adopted.

Senator Beutler reoffered his amendment, AM3094, found on page 1074.

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Landis renewed his pending amendment, AM3225, printed separately and referred to on page 1160.

The Landis amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Landis renewed his pending amendment, AM3365, printed separately and referred to on page 1229.

The Landis 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.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 826A.** 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 826, Ninety-eighth Legislature, Second Session, 2004.

**AMENDMENTS - Print in Journal**

Senator Schrock filed the following amendment to LB 32:  
AM3353

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) Any city required by federal law to
- 4 develop, establish, and implement storm water management programs
- 5 and secure a storm water discharge permit under the National
- 6 Pollutant Discharge Elimination System created pursuant to the
- 7 federal Clean Water Act of 1977, 33 U.S.C. 1251 et seq., may
- 8 develop, establish, and implement storm water management programs
- 9 and projects as required by federal law and the capital
- 10 improvements required for such storm water management programs and
- 11 projects.
- 12 (2) Any city described in subsection (1) of this section
- 13 may acquire by gift, grant, purchase, or condemnation necessary
- 14 land for such storm water management programs and projects.
- 15 Sec. 2. For the purpose of developing, establishing, and
- 16 implementing storm water management programs and projects as
- 17 required by federal law and funding the capital improvements and
- 18 operation and maintenance costs of such storm water management
- 19 programs and projects, the expenditures of a city described in
- 20 section 1 of this act for such purposes shall not be subject to the
- 21 budgetary limitations specified in section 13-519. The amount
- 22 budgeted by such city for such purposes which is in excess of the
- 23 budgetary limitations specified in section 13-519 shall be placed
- 24 in a separate fund and shall not be used for any purpose other than
- 1 developing, establishing, and implementing storm water management
- 2 programs and projects as required by federal law and funding the
- 3 capital improvements and the operation and maintenance costs of
- 4 such storm water management programs and projects.
- 5 Sec. 3. A city described in section 1 of this act may
- 6 enter into a contract with any corporation organized under or
- 7 authorized by the laws of this state for the purpose of developing,
- 8 establishing, and implementing storm water management programs or
- 9 projects.
- 10 Sec. 4. In addition to other powers authorized by law,
- 11 the board of directors of a natural resources district encompassing

12 a city described in section 1 of this act may develop, establish,  
 13 and implement storm water management programs and projects within  
 14 the district and fund the capital improvements and the operation  
 15 and maintenance costs of such storm water management programs and  
 16 projects. The expenditures of a natural resources district for  
 17 such purposes shall not be subject to the budgetary limitations  
 18 specified in section 13-519. The amount budgeted by such natural  
 19 resources district for such purposes which is in excess of the  
 20 budgetary limitations specified in section 13-519 shall be placed  
 21 in a separate fund and shall not be used for any purpose other than  
 22 storm water management programs and projects, in cooperation with  
 23 other public agencies.

24 Sec. 5. A city described in section 1 of this act and a  
 25 natural resources district encompassing any such city may cooperate  
 26 with each other, with counties, and with other public agencies as  
 27 defined in section 13-803 in the development, establishment, and  
 1 implementation of storm water management programs and projects.

2 Sec. 6. If any section of 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.".

Senator Chambers filed the following amendments to LB 1046:

FA1587

Amend AM2907

Add a new section: "No manufacturer, distributor or seller of any motor vehicle shall be subject to civil liability based on receipt of a speeding citation by any driver of such a vehicle."

FA1588

Amend AM2907

Add a new section: "The Man in the Moon shall not be subject to civil liability based on any impairment or loss of vision resulting from a person gazing at a solar eclipse caused by the Moon passing between the Earth and the Sun."

FA1589

Amend AM2907

Add a new section: "No manufacturer, distributor or seller of reading glasses shall be subject to civil liability based on the continued inability of an illiterate person to read despite purchasing and wearing any of such reading glasses."

FA1590

Amend AM2907

Add a new section: "No meteorologist shall be subject to civil liability because, relying on such meteorologist's prediction of a bright, bright, sunshiny day, someone left a cake out in the rain and averred in an affidavit:

"I don't think that I can take it, 'cause it took so long to bake it; and I'll never have that recipe again."

FA1591

Amend AM2907

Add a new section: "No producer, distributor or broadcaster of any televised advertisements, programs or features intended for general viewing shall be subject to civil liability when such liability is premised upon an individual's weight gain or obesity alleged to be the result of such individual's chronic viewing of such televised advertisements, programs or features while being sedentary and inactive. Chronic viewing means viewing television for at least eight hours during any twenty-four hour period."

### SELECT FILE

**LEGISLATIVE BILL 944.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 315.** E & R amendment, AM7189, found on page 1041, was adopted.

Senators Brashear and Beutler offered the following amendment:

FA1586

(Amendments to E & R amendments, AM7189)

2 2. On page 5, strike beginning with the colon in line 25

3 through line 27.

4 3. On page 6, strike lines 1 through 6; and in line 7

5 strike "(2) Is" and insert "is".

6 4. Renumber the remaining sections and correct internal

7 references accordingly.

The Brashear-Beutler 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 837.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 824.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 997.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 890.** E & R amendment, AM7190, found on page 1047, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 845.** Senator Byars renewed his pending amendment, AM3095, found on page 1061.

The Byars 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 884.** E & R amendment, AM7194, found on page 1047, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 980.** E & R amendment, AM7192, found on page 1048, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1099.** Senator Johnson renewed his pending amendment, AM3093, found on page 1157.

The Johnson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 955.** E & R amendment, AM7193, found on page 1048, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 902.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 939.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 832.** E & R amendment, AM7191, found on page 1048, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 914.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 914A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 846.** E & R amendment, AM7195, found on page 1065, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1004.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1002.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 819.** E & R amendment, AM7198, found on page 1066, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1118.** E & R amendment, AM7197, found on page 1066, was adopted.

Senator Smith offered the following amendment:

AM3373

- 1 1. On page 5, strike beginning with "be" in line 2
- 2 through "provisions" in line 4 and insert "not include performance
- 3 audits, whether conducted pursuant to attestation engagements or
- 4 performance audit standards as set forth in Government Auditing
- 5 Standards (2003 Revision), published by the Comptroller General of
- 6 the United States, General Accounting Office".

The Smith amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1107.** Senator Raikes offered the following amendment:

FA1592

- 1 1. Insert the following new section:
- 2 "Section 1. Section 85-1903, Revised Statutes
- 3 Supplement, 2003, is amended to read:
- 4 85-1903. Award means a grant of money by the commission
- 5 to an eligible student for educational expenses. Awards shall not
- 6 exceed:
- 7 (1) For award years prior to the 2006-07 award year:
- 8 (a) For students who received an award from the
- 9 Postsecondary Education Award Program Act, the Scholarship
- 10 Assistance Program Act, or the State Scholarship Award Program Act
- 11 for the 2002-03 award year, the greater of the total awards
- 12 received by the student pursuant to such acts for the 2002-03 award
- 13 year or ~~twenty-five percent~~ one-half of the tuition and mandatory
- 14 fees for a full-time, resident, undergraduate student for the last
- 15 completed award year at the University of Nebraska-Lincoln; or
- 16 (b) For students who did not receive an award from the
- 17 Postsecondary Education Award Program Act, the Scholarship
- 18 Assistance Program Act, or the State Scholarship Award Program Act
- 19 for the 2002-03 award year, ~~twenty-five percent~~ one-half of the
- 20 tuition and mandatory fees for a full-time, resident, undergraduate
- 21 student for the last completed award year at the University of
- 22 Nebraska-Lincoln; and
- 23 (2) For the 2006-07 award year and each award year

- 24 thereafter, twenty-five percent ~~one-half~~ of the tuition and  
 1 mandatory fees for a full-time, resident, undergraduate student for  
 2 the last completed award year at the University of  
 3 Nebraska-Lincoln."  
 4 2. On page 6, line 1, strike "section" and insert  
 5 "sections 85-1903 and"; and in line 2 strike "is" and insert "are".  
 6 3. Renumber the remaining sections accordingly.

The Raikes amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1149.** E & R amendment, AM7200, found on page 1066, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 826.** E & R amendment, AM7196, found on page 1068, was adopted.

Senator Erdman offered the following amendment:  
 AM3145

(Amendments to Standing Committee amendments, AM2606)

- 1 1. On page 3, line 21, after "37-708" insert "and  
 2 pursuant to notice as provided in subdivision (f) of this  
 3 subsection"; and after line 25 insert the following new  
 4 subdivision:  
 5 "(f) Notice of intent to enter upon property for the  
 6 purposes of subdivision (2)(e) of this section shall be satisfied  
 7 by publishing such notice at least once each week for three  
 8 consecutive weeks in a legal newspaper published or of general  
 9 circulation in the county or counties in which such property and  
 10 such game refuge are located.".

The Erdman amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 727.** E & R amendment, AM7199, found on page 1068, was adopted.

Advanced to E & R for engrossment.

### **MOTION - Return LB 625 to Select File**

Senator Brown moved to return LB 625 to Select File for her specific

pending amendment, AM3215, found on page 1189.

The Brown motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 625.** The Brown specific pending amendment, AM3215, found on page 1189, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 155.** Senator Beutler withdrew his pending amendments, AM2400 and AM2426, found on pages 487 and 503.

Senator Quandahl withdrew his pending amendment, AM2848, found on page 968.

Senator Quandahl renewed his pending amendment, AM3363, found on page 1223.

The Quandahl amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 479.** Senator Schrock offered the following amendment:

AM3374

(Amendments to E & R amendments, AM7164)

- 1 1. On page 11, strike lines 25 and 26.

Senator Schrock withdrew his amendment.

Pending.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 1093.** Placed on Select File as amended.  
E & R amendment to LB 1093:

AM7213

- 1 1. In the Standing Committee amendments, AM2792:
  - 2 a. On page 1, line 11, reinstate the stricken matter;
  - 3 b. On page 2, line 22, strike "subsection" and insert
  - 4 "subdivision";
  - 5 c. On page 12, line 24, strike "and"; and
  - 6 d. On page 18, line 14, after the semicolon insert

7 "and".  
8 2. On page 1, strike lines 2 through 7 and insert  
9 "77-3442, 79-1005.01, 79-1005.02, 79-1007.02, 79-1008.01, and  
10 79-1009, Reissue Revised Statutes of Nebraska; to change provisions  
11 relating to the maximum levy, state aid from income tax receipts,  
12 state aid formula calculations, equalization aid, and net option  
13 funding for certain fiscal years as prescribed; to harmonize  
14 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 1241.** Placed on Select File as amended.  
(E & R amendment, AM7212, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Mossey, Chairperson

### MESSAGE FROM THE GOVERNOR

March 23, 2004

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 was appointed to the Game and Parks Commission.

APPOINTEE:  
George E. Hall, RR 1 Box 183, Bridgeport NE 69336

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

web/  
Enclosure

### SELECT FILE

**LEGISLATIVE BILL 479.** Senator Erdman offered the following motion:  
Bracket until March 30, 2004.

Senator Erdman withdrew his motion.

Senator Erdman requested a machine vote on the advancement of the bill.

Senator Baker moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for engrossment with 29 ayes, 5 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1049.** Senator Beutler asked unanimous consent to withdraw his pending amendment, AM2552, found on page 591, and replace it with the Beutler-Bourne substitute pending amendment, AM2814, found on page 782. No objections. So ordered.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 282.** Introduced by Schrock, 38.

WHEREAS, the Loomis High School boys' basketball team won the 2004 Class D-2 Boys' State High School Basketball Championship with an eighty-seven to fifty-eight victory over Lindsay Holy Family High School; and

WHEREAS, this was the second state title for Loomis and the first since 1999; and

WHEREAS, the Wolves put themselves in the the record book when reserve Justin Winkler scored the final basket of the game, giving Loomis the highest point total of any Class D-2 champion; and

WHEREAS, the Legislature recognizes 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, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Loomis High School boys' basketball team and its coaches, parents, and supporters.

2. That a copy of this resolution be sent to Coach Steve Johnson and Loomis High School.

Laid over.

## VISITORS

Visitors to the Chamber were 25 high school students and sponsors with Project Extra Mile's Youth in Action; Brunilda Zani and Jorida Taboku from the University of Tirana, Albania; 36 fourth-grade students and teachers from Wood River; 4 high school students and teacher from Sutherland; 3 students with Project Extra Mile from Lakeview Community Schools, Columbus; 7 students with Project Extra Mile from Grand Island; 42 fourth-grade students and teachers from Lincoln Elementary School,

Beatrice; and 25 Buffalo County students and teachers from Sumner, Pleasanton, Kearney High School, and Kearney Catholic School.

### RECESS

At 11:57 a.m., on a motion by Senator Baker, 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 Burling, Engel, Jensen, Landis, and Price who were excused until they arrive.

### SELECT FILE

**LEGISLATIVE BILL 1049.** The Beutler-Bourne pending amendment, AM2814, found on page 782 and considered in this day's Journal, was renewed.

### SENATOR SCHIMEK PRESIDING

Senator Chambers offered the following motion:  
Bracket until April 15, 2004.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Senator Smith requested the roll call vote be taken in reverse order.

Voting in the affirmative, 12:

Aguilar	Brashear	Landis	Schimek
Beutler	Connealy	Pederson, D.	Synowiecki
Bourne	Hartnett	Preister	Wehrbein

Voting in the negative, 23:

Brown	Engel	Kremer	Price	Stuthman
Burling	Erdman	Louden	Quandahl	Tyson
Byars	Friend	McDonald	Redfield	Vrtiska
Combs	Hudkins	Mines	Smith	
Cunningham	Jones	Mossey	Stuhr	

Present and not voting, 9:

Baker	Chambers	Johnson	Maxwell	Schrock
Bromm	Janssen	Kruse	Raikes	

Excused and not voting, 5:

Cudaback	Foley	Jensen	Pedersen, Dw.	Thompson
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The Chambers motion to bracket failed with 12 ayes, 23 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Hall, George E. - Game and Parks Commission - Natural Resources

(Signed) Pat Engel, Chairperson  
 Legislative Council, Executive Board

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 391.** Placed on General File as amended.  
 (Standing Committee amendment, AM3247, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 1075.** Placed on General File as amended.  
 (Standing Committee amendment, AM3345, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 1253.** Placed on General File as amended.  
 Standing Committee amendment to LB 1253:  
 AM3328

- 1 1. Insert the following new sections:
- 2 "Sec. 4. The Judiciary Committee of the Legislature and
- 3 the Community Corrections Council shall conduct a joint study to
- 4 examine issues related to the implementation of the proposed merger
- 5 of the Office of Probation Administration and the Office of Parole
- 6 Administration into a separate executive agency. This study shall
- 7 be completed by January 1, 2005, and shall include a recommended
- 8 implementation plan to most efficiently and effectively merge the
- 9 two offices with a focus on incorporating the merger into the

10 ongoing community corrections process.

11 Sec. 67. Section 83-189, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 83-189. The Board of Parole shall consist of five  
14 full-time members to be appointed by the Governor. The members of  
15 the board shall be of good character and judicious temperament.

16 The members of the board shall have all the powers and duties of  
17 board members commencing on the date of appointment. The  
18 appointments shall be subject to confirmation by the Legislature at  
19 its next regular session following the appointments. At least one  
20 member of the board shall be of an ethnic minority group, at least  
21 one member shall be female, and at least one member shall have a  
22 professional background in corrections.

23 One of the five members of the board shall be designated  
24 as chairperson by the Governor. In addition to the chairperson's  
1 duties as a member of the board as prescribed in subsection (1) of  
2 section 83-192, he or she shall supervise the administration and  
3 operation of the board and shall carry out the duties prescribed in  
4 ~~subsection (2) of such~~ section 18 of this act."

5 2. On page 3, line 1, strike "18" and insert "19".

6 3. On page 4, lines 5 and 7, strike "2005" and insert  
7 "2007".

8 4. On page 6, strike lines 7 and 8; in line 9 strike  
9 "(15)" and insert "(14)"; in line 11 strike "(16)" and insert  
10 "(15)"; in line 13 strike "(17)" and insert "(16)"; in line 15  
11 strike "(18)" and insert "(17)"; in line 18 strike "(19)" and  
12 insert "(18)"; in line 21 strike "(20)" and insert "(19)"; in lines  
13 23 and 24 strike "or probation violators"; and in line 24 strike  
14 "or" and insert ", issue warrants for the arrest of probation  
15 violators when so instructed by".

16 5. On page 7, line 2, strike "(21)" and insert "(20)".

17 6. On page 11, line 26, strike "institutional  
18 caseworkers".

19 7. On page 12, line 2, after "probationers" insert "and  
20 parolees".

21 8. On page 13, line 6, after "corrections" insert  
22 "officer"; and in line 27 after "or" insert "as".

23 9. On page 14, lines 14 and 15, strike "and 29-2262.04",  
24 show as stricken, and insert ", 29-2262.04, and 83-1,107.01"; and  
25 in lines 24 and 26, strike "Supreme Court", show as stricken, and  
26 insert "department".

27 10. On page 63, line 19, strike "(4)", show as stricken,  
1 and insert "(3)".

2 11. On page 91, line 1; and page 92, line 1, strike  
3 "department" and insert "Department of Community Corrections".

4 12. On page 92, line 11, strike "43-624" and insert  
5 "47-624".

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

(Signed) Kermit A. Brashear, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 283.** 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. 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, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## SELECT FILE

**LEGISLATIVE BILL 1049.** Senator Chambers offered the following motion:

Reconsider the vote to bracket.

## SENATOR CUDABACK PRESIDING

Pending.

**LEGISLATIVE BILL 998.** E & R amendment, AM7182, found on page 857, was adopted.

Senator D. Pederson renewed his pending amendment, AM2887, found on page 992.

The D. Pederson 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 998A.** Advanced to E & R for engrossment.

**LEGISLATIVE RESOLUTION 209CA.** E & R amendment, AM7183,

found on page 953, was adopted.

### **SENATOR SCHIMEK PRESIDING**

Senator Brown withdrew her pending amendments, AM2977 and AM3048, found on pages 966 and 1076.

Senator Brown renewed her pending amendment, AM3213, found on page 1128.

### **SPEAKER BROMM PRESIDING**

Senator Landis requested a ruling of the Chair on whether the Brown amendment is germane to the resolution.

The Chair ruled the Brown amendment is not germane to the resolution.

Senator Brown challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Brown withdrew her motion to overrule the Chair.

Senator Louden withdrew his pending amendment, AM3212, found on page 1131.

Senator Landis offered the following amendment:  
AM3376

(Amendments to E & R amendments, AM7183)

- 1 1. On page 2, strike lines 5 through 9 and insert
- 2 "(ii) Forty-four and one-half percent of the money
- 3 remaining after the payment of prizes and operating expenses and
- 4 the initial transfer to the Compulsive Gamblers Assistance Fund
- 5 shall be transferred to the Nebraska Environmental Trust Fund for
- 6 use as provided in the Nebraska Environmental Trust Act and shall
- 7 be used only for the conservation, enhancement, and restoration of
- 8 the natural, physical, and biological environment of Nebraska
- 9 primarily through competitive grants to public and private
- 10 entities, for related transfers to the Nebraska Environmental
- 11 Endowment Fund, and for related administrative expenses;".

Pending.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 257, 258, and 259 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 257, 258, and 259.

**SELECT FILE**

**LEGISLATIVE RESOLUTION 209CA.** The Landis pending amendment, AM3376, found in this day's Journal, was renewed.

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Landis amendment lost with 12 ayes, 24 nays, 9 present and not voting, and 4 excused and not voting.

Senator Bourne offered the following amendment:

FA1601

Amend AM7183

Page 2, line 16 after "be" add "available for"

Page 2, line 16 delete "transferred" add "transfer"

Page 2, line 17 after "Board" add "if the municipality in which the fair is located provides a match of at least ten percent of the funds available for transfer"

**SENATOR CUDABACK PRESIDING****SENATOR JANSSEN PRESIDING**

Senator Chambers offered the following amendment to the Bourne pending amendment:

FA1605

Amend FA1601

In line 3 after "municipality" insert "or county if located outside of any municipality".

Senator Chambers withdrew his amendment.

Senator Bourne asked unanimous consent to withdraw his pending amendment, FA1601, found in this day's Journal, and replace it with the Bourne-Landis substitute amendment, AM3396. No objections. So ordered. AM3396

(Amendments to E & R amendments, AM7183)

- 1 1. On page 2, line 17, after "Board" insert "if the most
- 2 populous city within the county in which the fair is located
- 3 provides matching funds equivalent to ten percent of the funds
- 4 available for transfer. Such matching funds may be obtained from
- 5 the city and any other private or public entity".

Senator Chambers offered the following amendment to the Bourne-Landis pending amendment:

FA1606

Amend AM3396

In line 5 strike the period and insert "except that no portion of such matching funds shall be provided by the state."

Pending.

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 962:

AM3230

(Amendments to E & R amendments, AM7204)

- 1 1. On page 64, strike lines 17 through 19 and insert the
- 2 following new subdivision:
- 3 "(ii) The maximum number of feet necessary to protect the
- 4 municipal well field as determined by the appropriate natural
- 5 resources district based upon the best available science, except
- 6 that if the board of the appropriate natural resources district is
- 7 not elected in accordance with the principle of one person, one
- 8 vote then the spacing distance shall be determined by the public
- 9 water supplier based upon the best available science."

Senator Synowiecki filed the following amendment to LB 888:

AM3372

(Amendments to E & R amendments, 7184)

- 1 1. On page 7, lines 10, 16, 17, and 19, strike the new
- 2 matter and reinstate the stricken matter; and in line 18 reinstate
- 3 the stricken matter beginning with "Any" through "within" and
- 4 before the reinstated matter insert "(7)".

Senator Schrock filed the following amendment to LB 962:

AM3366

(Amendments to E & R amendments, AM7204)

- 1 1. On page 3, lines 14 and 17; page 5, line 5; page 165,
- 2 line 25; and page 166, line 1, strike "budgeted expenditures" and
- 3 insert "restricted funds budgeted".
- 4 2. On page 29, line 20, after "(v)", insert "the name
- 5 and address of each holder of a mortgage or deed of trust for the
- 6 land to which the appropriation is now appurtenant, (vi)"; in line
- 7 22 strike "(vi)" and insert "(vii)"; and in line 27 strike "(vii)"
- 8 and insert "(viii)".
- 9 3. On page 30, line 3, strike "(viii)" and insert
- 10 "(ix)"; in line 6 strike "(ix)" and insert "(x)"; in line 7 strike
- 11 "(x)" and insert "(xi)"; in line 8 strike "(xi)" and insert
- 12 "(xii)"; in line 10 strike "(Xii)" and insert "(xiii)"; and in line
- 13 12 strike "(xiii)" and insert "(xiv)".
- 14 4. On page 36, line 20, after "site" insert ", to be

- 15 sent by certified mail to each holder of a mortgage or deed of  
 16 trust that is identified by the applicant pursuant to subdivision  
 17 (1)(b)(v) of section 46-290."
- 18 5. On page 109, strike beginning with "department" in  
 19 line 11 through line 27 and insert "Governor shall be notified and  
 20 the dispute shall be submitted to the Interrelated Water Review  
 21 Board as provided in subsection (2) of section 58 of this act.".
- 22 6. On page 110, strike lines 1 through 10.
- 23 7. On page 111, strike beginning with "mediation" in  
 1 line 16 through "section" in line 17 and insert "process described  
 2 in sections 54 to".
- 3 8. On page 117, line 2, after "that" insert "(i) such  
 4 temporary suspension shall not apply to water wells for which a  
 5 permit has been obtained pursuant to the Municipal and Rural  
 6 Domestic Ground Water Transfers Permit Act and (ii)".

Senator Wehrbein filed the following amendment to LB 1092:  
 AM3385

(Amendments to AM2921)

- 1 1. Insert the following new section:  
 2 "Sec. 11. Section 85-414, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 85-414. (1) Beginning with the fiscal year commencing  
 5 July 1, 1999, and continuing through the fiscal year ending June  
 6 30, 2009, the Legislature shall appropriate each fiscal year from  
 7 the General Fund an amount not less than five million five hundred  
 8 thousand dollars to the University of Nebraska Facilities Program  
 9 to be used by the Board of Regents of the University of Nebraska to  
 10 accomplish projects as provided in this section. Through the  
 11 allotment process established in section 81-1113, the Department of  
 12 Administrative Services shall make appropriated funds available.  
 13 Undisbursed appropriations balances existing in the University of  
 14 Nebraska Facilities Program at the end of each fiscal year until  
 15 June 30, 2012, shall be and are hereby reappropriated.  
 16 (2) The Legislature finds and determines that the  
 17 projects funded through the University of Nebraska Facilities  
 18 Program are of critical importance to the State of Nebraska. It is  
 19 the intent of the Legislature that the appropriations to the  
 20 program shall not be reduced until all contracts and securities  
 21 relating to the construction and financing of the projects or  
 22 portions of the projects funded from such funds or accounts of such  
 23 funds are completed or paid but in no case shall such  
 1 appropriations extend beyond the fiscal year ending June 30, 2009,  
 2 nor shall the cumulative total of the General Fund appropriations  
 3 for the program exceed fifty-five million dollars.  
 4 (3) Subject to the receipt of project approval from the  
 5 Coordinating Commission for Postsecondary Education as required by  
 6 subsection (10) of section 85-1414 for each of the following  
 7 University of Nebraska projects, the Board of Regents of the

8 University of Nebraska is authorized to make expenditures from the  
 9 University of Nebraska Facilities Program for the following  
 10 projects: (a) Deferred maintenance, repair, and renovation of  
 11 University of Nebraska at Kearney Bruner Hall; (b) deferred  
 12 maintenance, repair, and renovation of University of Nebraska at  
 13 Kearney Otto Olson Vocational Arts Building; (c) deferred  
 14 maintenance, repair, and renovation of University of  
 15 Nebraska-Lincoln Love Library; (d) deferred maintenance, repair,  
 16 and renovation of University of Nebraska-Lincoln Snyder Building at  
 17 the West Central Research Extension Center; (e) construction of a  
 18 facility to replace University of Nebraska-Lincoln Lyman Hall and  
 19 Bancroft Hall; (f) construction of a facility to replace University  
 20 of Nebraska-Lincoln Biochemistry Building; (g) deferred  
 21 maintenance, repair, and renovation of University of  
 22 Nebraska-Lincoln Hamilton Hall; (h) deferred maintenance, repair,  
 23 and renovation of University of Nebraska-Lincoln Avery Hall; (i)  
 24 deferred maintenance, repair, and renovation of University of  
 25 Nebraska Medical Center Poynter Hall; (j) deferred maintenance,  
 26 repair, and renovation of University of Nebraska Medical Center  
 27 Swanson Hall, Bennet Hall, and Service Building; (k) deferred  
 1 maintenance, repair, and renovation of University of Nebraska  
 2 Medical Center Library housed in Wittson Hall; (l) deferred  
 3 maintenance, repair, and renovation of University of Nebraska at  
 4 Omaha Allwine Hall; ~~and~~ (m) deferred maintenance, repair, and  
 5 renovation of University of Nebraska at Omaha Arts and Sciences  
 6 Hall, and (n) demolition of University of Nebraska Miller Hall.

7 (4) Expenditures of matching funds provided for the  
 8 projects listed in this section by the Board of Regents of the  
 9 University of Nebraska as provided for in section 85-412 shall be  
 10 accounted for in the Nebraska State Accounting System through the  
 11 University of Nebraska Facilities Program or according to some  
 12 other reporting process mutually agreed upon by the University of  
 13 Nebraska and the Department of Administrative Services.

14 (5) The Board of Regents of the University of Nebraska  
 15 shall record and report, on the Nebraska State Accounting System,  
 16 expenditure of amounts from the University of Nebraska Facilities  
 17 Program and expenditure of proceeds arising from any contract  
 18 entered into pursuant to this section and section 85-415 in such  
 19 manner and format as prescribed by the Department of Administrative  
 20 Services or according to some other reporting process mutually  
 21 agreed upon by the University of Nebraska and the Department of  
 22 Administrative Services.

23 (6) The Board of Regents of the University of Nebraska  
 24 shall provide to the Task Force for Building Renewal semiannual  
 25 reports concerning the status of each project authorized by this  
 26 section."

27 2. On page 21, line 2, strike "and" and after the second  
 1 comma insert "and 85-414,".

2 3. Renumber the remaining sections accordingly.

Senators Wehrbein, Beutler, and Bromm filed the following amendment to LB 962:

(Amendment, AM3390, is printed separately and available in the Bill Room, Room 1104.)

Senator Wehrbein filed the following amendment to LB 962A:  
AM3393

1 1. Strike the original section and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. There is hereby appropriated \$1,500,000 from  
4 the General Fund and \$1,000,000 from the Water Resources Trust Fund  
5 for FY2004-05 to the Department of Natural Resources, for Program  
6 310, to aid in carrying out the provisions of Legislative Bill 962,  
7 Ninety-eighth Legislature, Second Session, 2004.  
8 It is the intent of the Legislature that the  
9 appropriations to this program be used to implement the  
10 recommendations of the Water Policy Task Force. Expenditures from  
11 this program shall not be restricted to state aid if other  
12 expenditures are necessary to fulfill the recommendations of the  
13 Water Policy Task Force.  
14 It is the intent of the Legislature that the Department  
15 of Natural Resources provide a report to the Appropriations  
16 Committee of the Legislature no later than September 1, 2005,  
17 regarding the use of the Water Resources Trust Fund in FY2004-05.  
18 The report shall include the unexpended and unencumbered balance of  
19 the fund, the proposed future use of any unexpended and  
20 unencumbered balance, and whether any portion of the balance could  
21 be returned to the Nebraska Environmental Trust Fund.  
22 Sec. 2. Since an emergency exists, this act takes effect  
23 when passed and approved according to law."

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 1083. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were 51 fourth- through sixth-grade students, teachers, and Senator Dw. Pedersen's granddaughter, Chaley Jackson, from St. Patrick's School, Elkhorn; members of the Pork Industry Mentoring Program from across the state; and Jordan Farahbod from Lincoln.

**MOTION - Adjournment**

Senator Landis moved to adjourn. The motion prevailed with 19 ayes, 9 nays, 14 present and not voting, and 7 excused and not voting, and at 7:10 p.m., the Legislature adjourned until 9:00 a.m., Thursday, March 25, 2004.

Patrick J. O'Donnell  
Clerk of the Legislature