

TWENTY-FIRST DAY - FEBRUARY 7, 2008

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 7, 2008

PRAYER

The prayer was offered by Pastor Harold Bickford, Peru Community Church, Peru.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Gay, Johnson, and Pedersen who were excused; and Senators Dubas, Karpisek, Lautenbaugh, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 854. Placed on General File with amendment.
AM1779

- 1 1. On page 11, line 8, after "and" insert "rules and".
- 2 2. On page 14, line 9, strike "one thousand"; in line 24
- 3 after the underscored semicolon insert "and"; and strike line 25.
- 4 3. On page 15, strike lines 1 and 2; and in line 3 strike
- 5 "(iv)" and insert "(iii)".
- 6 4. On page 16, line 4, strike "one" and insert "three".
- 7 5. Strike beginning with page 20, line 22, through page
- 8 21, line 1.
- 9 6. On page 23, line 2, strike beginning with "on" through
- 10 "basis" in line 3; and strike beginning with line 4 through line
- 11 25.
- 12 7. Strike beginning with page 24, line 1, through page
- 13 25, line 5.
- 14 8. On page 31, strike beginning with the underscored

15 comma in line 1 through "Insurance" in line 2; and in line 3 strike
 16 "email address" and insert "toll-free telephone number".
 17 9. On page 32, line 3, after the underscored semicolon
 18 insert "and"; and strike beginning with "Information" in line 4
 19 through "(d)" in line 8.

(Signed) Rich Pahls, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 6, 2008, 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

Bromm, Curt
 Insurance Premium Bonding Corporation, Nebraska

Macholan, Jessica L.
 Class I's United

Plucker, Julia
 N.H. Wright & Assoc., LLC

Radcliffe, Walter H. of Radcliffe & Associates
 Bellevue Volunteer Fire Department
 Indoor Tanning Association

Sedlacek, Ronald J.
 Oriental Trading Company, Inc.

Vickers, Tom
 Cass County School Districts, Washington County School Districts &
 ESU #3

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
 Comprehensive Annual Financial Report, Year Ended June 30, 2007
Natural Resources, Department of
 Forecast of Allowable Depletions in the Republican Basin

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to children; to prohibit prosecution for leaving a child at a hospital; and to provide a duty for the hospital.

Whereupon the 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:

Adams	Engel	Howard	McGill	Stuthman
Aguilar	Erdman	Hudkins	Nantkes	Synowiecki
Ashford	Fischer	Janssen	Nelson	Wallman
Avery	Flood	Kopplin	Pahls	White
Burling	Friend	Kruse	Pankonin	Wightman
Carlson	Fulton	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Louden	Rogert	
Dierks	Heidemann	McDonald	Schimek	

Voting in the negative, 1:

Chambers

Excused and not voting, 7:

Dubas	Johnson	Lautenbaugh	Raikes
Gay	Karpisek	Pedersen	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 196.

A BILL FOR AN ACT relating to authorized emergency vehicles; to amend sections 55-133, 60-610, 60-6,230, and 60-6,231, Reissue Revised Statutes of Nebraska; to authorize the designation of certain vehicles as military emergency vehicles; to modify terms; to authorize use of lights for convoy control purposes; 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:

Adams	Dierks	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Karpisek	Nantkes	Synowiecki
Carlson	Friend	Kopplin	Nelson	Wallman
Chambers	Fulton	Kruse	Pahls	Wightman
Christensen	Hansen	Langemeier	Pankonin	
Cornett	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

White

Excused and not voting, 5:

Dubas	Gay	Johnson	Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 465.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1928 and 29-1929, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to jailhouse informants; 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, 31:

Adams	Dierks	Kopplin	Pahls	Wallman
Aguilar	Engel	Kruse	Pankonin	White
Ashford	Fischer	Lathrop	Preister	Wightman
Avery	Harms	Louden	Rogert	
Carlson	Howard	McDonald	Schimek	
Chambers	Hudkins	McGill	Stuthman	
Cornett	Janssen	Nantkes	Synowiecki	

Voting in the negative, 10:

Christensen	Flood	Heidemann	Langemeier	Nelson
Erdman	Hansen	Karpisek	Lautenbaugh	Pirsch

Present and not voting, 3:

Burling Friend Fulton

Excused and not voting, 5:

Dubas Gay Johnson Pedersen Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 480. With Emergency.

A BILL FOR AN ACT relating to health care; to amend section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, funds, and a council; to provide an operative date; to repeal the original sections; to outright repeal sections 71-7601, 71-7602, 71-7604, and 71-7609, Reissue Revised Statutes of Nebraska, section 71-7610, Revised Statutes Cumulative Supplement, 2006, and sections 71-7603 and 71-7614, Revised Statutes Supplement, 2007; 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:

Adams	Dierks	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Karpisek	Nelson	Wallman
Carlson	Friend	Kopplin	Pahls	White
Chambers	Fulton	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pirsch	
Cornett	Harms	Lathrop	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Nantkes

Excused and not voting, 5:

Dubas Gay Johnson Pedersen Raikes

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 621.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2007; to change provisions relating to points and fines for speeding; 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:

Adams	Dierks	Heidemann	McDonald	Schimek
Aguilar	Engel	Howard	McGill	Synowiecki
Ashford	Erdman	Hudkins	Nantkes	Wallman
Avery	Fischer	Janssen	Nelson	White
Burling	Flood	Kopplin	Pahls	Wightman
Carlson	Friend	Kruse	Pankonin	
Chambers	Fulton	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Lautenbaugh	Rogert	

Voting in the negative, 3:

Karpisek	Louden	Stuthman
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Excused and not voting, 5:

Dubas	Gay	Johnson	Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 632.

A BILL FOR AN ACT relating to agriculture; to amend section 54-702, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the national uniform system of animal identification; 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:

Adams	Dierks	Harms	Lathrop	Pirsch
Aguilar	Dubas	Heidemann	Lautenbaugh	Preister
Ashford	Engel	Howard	Louden	Rogert
Avery	Erdman	Hudkins	McDonald	Schimek
Burling	Fischer	Janssen	McGill	Stuthman
Carlson	Flood	Karpisek	Nantkes	Synowiecki
Chambers	Friend	Kopplin	Nelson	Wallman
Christensen	Fulton	Kruse	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Gay Johnson Pedersen Raikes

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 157, 196, 465, 480, 621, and 632.

GENERAL FILE

LEGISLATIVE BILL 609. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Senator Chambers offered the following amendment:

FA173

P. 3, in line 11 strike beginning with "I" through the period in line 17.

P. 2, line 17 strike "positive".

Senator Chambers offered the following amendment to his amendment:

FA174

Amend FA173

Strike the first appearance of "17" and insert "14".

SENATOR FRIEND PRESIDING

Senator Chambers withdrew his amendment, AM174.

Senator Chambers withdrew his amendment, AM173.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 609A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 2008, at 9:35 a.m. were the following: LBs 157, 196, 465, 480e, 621, and 632.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 586. Placed on Final Reading.

LEGISLATIVE BILL 619. Placed on Final Reading.

LEGISLATIVE BILL 620. Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 237. Introduced by Heidemann, 1; Flood, 19.

WHEREAS, the Reverend Ray S. Wilke and Mr. Clayton Andrews, both of Norfolk, Nebraska, founded the Orphan Grain Train after Reverend Wilke visited Latvia and Russia in 1992 and saw the need for spiritual and humanitarian aid in those countries; and

WHEREAS, Orphan Grain Train's mission statement reads as follows: "In loving response to Christ, the Servant, the Orphan Grain Train movement encourages and enables God's people to share personal and material resources in bringing Christ's name and character to needy people, both far and near. Sometimes that character expresses itself as a word well spoken, sometimes as a bandage well applied, and sometimes as a child well fed."; and

WHEREAS, Orphan Grain Train's motto is from John 14:18: "I will not leave you as orphans; I will come to you."; and

WHEREAS, the Orphan Grain Train provides relief for human need worldwide; and

WHEREAS, the Orphan Grain Train has sent over fifty million pounds of supplies to needy people in more than forty countries; and

WHEREAS, more than one thousand three hundred semitrailer truckloads of clothes, medical supplies and equipment, food, quilts, Bibles, and Bible materials have been sent to Orphan Grain Train partners in North America and overseas; and

WHEREAS, people donate money, food, and materials to Orphan Grain Train for people in crises in this country and around the world; and

WHEREAS, in addition, many food and materials shipments go to missions and destitute families in the United States each year. Relief supplies are also sent in response to natural disasters, including support for the volunteer camps in Mississippi and Louisiana after Hurricane Katrina, support for the community of Greensburg, Kansas, after the May 3, 2007, F-5 tornado, and support for flood victims in Ohio; and

WHEREAS, clean clothing and medical supplies are carefully sorted and packed in boxes at Orphan Grain Train regional warehouses. The supplies are then loaded and shipped where they are most needed in the world. They are distributed by Orphan Grain Train partners to churches, hospitals, orphanages, prisons, and schools; and

WHEREAS, Orphan Grain Train has eighteen regional shipping depots and work centers which receive the donated money, food, and materials; and

WHEREAS, Orphan Grain Train is a faith-based organization that also furnishes material goods to other organizations that minister to spiritual and religious needs; and

WHEREAS, Orphan Grain Train shipments are approximately fifty percent within North America and fifty percent to other parts of the world; and

WHEREAS, Orphan Grain Train will not ship to any recipient until they have been thoroughly investigated and found to be responsible and in need; and

WHEREAS, much has been accomplished through Orphan Grain Train, though more remains to be done. Volunteers throughout the United States are invited to "climb aboard" the Orphan Grain Train using their own resources, time, and effort to respond to the material and spiritual needs of people around the world.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Orphan Grain Train be recognized for its fifteen years of bringing relief to people in need worldwide and commended for its efforts here in Nebraska and around the world.

2. That copies of this resolution be sent to Orphan Grain Train, Inc., of Norfolk, Nebraska, and to the entire community of Norfolk for being the host city to this outstanding international organization.

Laid over.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 819. Placed on General File with amendment.
AM1791

- 1 1. Insert the following sections:
- 2 Sec. 5. Section 48-652, Revised Statutes Supplement,
- 3 2007, is amended to read:

4 48-652 (1)(a) A separate experience account shall be
5 established for each employer who is liable for payment of
6 contributions. Whenever and wherever in the Employment Security
7 Law the terms reserve account or experience account are used,
8 unless the context clearly indicates otherwise, such terms shall be
9 deemed interchangeable and synonymous and reference to either of
10 such accounts shall refer to and also include the other.

11 (b) A separate reimbursement account shall be established
12 for each employer who is liable for payments in lieu of
13 contributions. All benefits paid with respect to service in
14 employment for such employer shall be charged to his or her
15 reimbursement account and such employer shall be billed for and
16 shall be liable for the payment of the amount charged when billed
17 by the commissioner. Payments in lieu of contributions received
18 by the commissioner on behalf of each such employer shall be
19 credited to such employer's reimbursement account, and two or more
20 employers who are liable for payments in lieu of contributions may
21 jointly apply to the commissioner for establishment of a group
22 account for the purpose of sharing the cost of benefits paid that
23 are attributable to service in the employ of such employers. The
1 commissioner shall prescribe such rules and regulations as he or
2 she deems necessary with respect to applications for establishment,
3 maintenance, and termination of group accounts authorized by this
4 subdivision.

5 (2) All contributions paid by an employer shall be
6 credited to the experience account of such employer. State
7 unemployment insurance tax payments shall not be credited to
8 the experience account of each employer. Partial payments of
9 combined tax shall be credited so that at least eighty percent
10 of the combined tax payment excluding interest and penalty is
11 credited first to contributions due. In addition to contributions
12 credited to the experience account, each employer's account shall
13 be credited as of June 30 of each calendar year with interest
14 at a rate determined by the commissioner based on the average
15 annual interest rate paid by the Secretary of the Treasury of
16 the United States of America upon the state's account in the
17 Unemployment Trust Fund for the preceding calendar year multiplied
18 by the balance in his or her experience account at the beginning
19 of such calendar year. If the total credits as of such date to
20 all employers' experience accounts are equal to or greater than
21 ninety percent of the total amount in the Unemployment Compensation
22 Fund, no interest shall be credited for that year to any employer's
23 account. Contributions with respect to prior years which are
24 received on or before January 31 of any year shall be considered
25 as having been paid at the beginning of the calendar year. All
26 voluntary contributions which are received on or before January
27 10 of any year shall be considered as having been paid at the
1 beginning of the calendar year.

2 (3)(a) Each experience account shall be charged only

3 for benefits based upon wages paid by such employer. No benefits
4 shall be charged to the experience account of any employer if (i)
5 such benefits were paid on the basis of a period of employment
6 from which the claimant (A) left work voluntarily without good
7 cause, (B) left work voluntarily due to a nonwork-connected illness
8 or injury, (C) left work voluntarily with good cause to escape
9 abuse as defined in section 42-903 between household members as
10 provided in subdivision (1) of section 48-628.01, (D) left work
11 from which he or she was discharged for misconduct connected with
12 his or her work, or (E) left work voluntarily and is entitled to
13 unemployment benefits without disqualification in accordance with
14 subdivision (3) or (5) of section 48-628.01 and (ii) the employer
15 has filed timely notice of the facts on which such exemption is
16 claimed in accordance with rules and regulations prescribed by
17 the commissioner. No benefits shall be charged to the experience
18 account of any employer if such benefits were paid on the basis
19 of wages paid in the base period that are wages for insured work
20 solely by reason of subdivision (5)(b) of section 48-627.

21 (b) Each reimbursement account shall be charged only for
22 benefits paid that were based upon wages paid by such employer in
23 the base period that were wages for insured work solely by reason
24 of subdivision (5) of section 48-627.

25 (c) Benefits paid to an eligible individual shall be
26 charged against the account of his or her most recent employers
27 within his or her base period against whose accounts the maximum
1 charges hereunder have not previously been made in the inverse
2 chronological order in which the employment of such individual
3 occurred. The maximum amount so charged against the account of any
4 employer, other than an employer for which services in employment
5 as provided in subdivision (4)(a) of section 48-604 are performed,
6 shall not exceed the total benefit amount to which such individual
7 was entitled as set out in section 48-626 with respect to base
8 period wages of such individual paid by such employer plus one-half
9 the amount of extended benefits paid to such eligible individual
10 with respect to base period wages of such individual paid by
11 such employer. The commissioner shall by rules and regulations
12 prescribe the manner in which benefits shall be charged against
13 the account of several employers for whom an individual performed
14 employment during the same quarter or during the same base period.
15 Any benefit check duly issued and delivered or mailed to a claimant
16 and not presented for payment within one year from the date of its
17 issue may be invalidated and the amount thereof credited to the
18 Unemployment Compensation Fund, except that a substitute check may
19 be issued and charged to the fund on proper showing at any time
20 within the year next following. Any charge made to an employer's
21 account for any such invalidated check shall stand as originally
22 made.

23 (4)(a) An employer's experience account shall be deemed
24 to be terminated one calendar year after such employer has ceased

25 to be subject to the Employment Security Law, except that if the
 26 commissioner finds that an employer's business is closed solely
 27 because of the entrance of one or more of the owners, officers,
 1 partners, or limited liability company members or the majority
 2 stockholder into the armed forces of the United States, or of any
 3 of its allies, after July 1, 1950, such employer's account shall
 4 not be terminated and, if the business is resumed within two years
 5 after the discharge or release from active duty in the armed forces
 6 of such person or persons, the employer's experience account shall
 7 be deemed to have been continuous throughout such period.

8 (b) An experience account terminated pursuant to this
 9 subsection shall be reinstated if (i) the employer becomes subject
 10 again to the Employment Security Law within one calendar year after
 11 termination of such experience account and the employer makes a
 12 written application for reinstatement of such experience account
 13 to the commissioner within two calendar years after termination of
 14 such experience account and (ii) the commissioner finds that the
 15 employer is operating substantially the same business as prior to
 16 the termination of such experience account.

17 (5) All money in the Unemployment Compensation Fund shall
 18 be kept mingled and undivided. The payment of benefits to an
 19 individual shall in no case be denied or withheld because the
 20 experience account of any employer does not have a total of
 21 contributions paid in excess of benefits charged to such experience
 22 account.

23 (6) A contributory or reimbursable employer shall be
 24 relieved of charges if the employer was previously charged for
 25 wages and the same wages are being used a second time to establish
 26 a new claim as a result of the October 1, 1988, change in the base
 27 period.

1 (7) If an individual's base period wage credits
 2 represent part-time employment for a contributory employer and
 3 the contributory employer continues to employ the individual to
 4 the same extent as during the base period, then the contributory
 5 employer's experience account shall not be charged if the
 6 contributory employer has filed timely notice of the facts on which
 7 such exemption is claimed in accordance with rules and regulations
 8 prescribed by the commissioner.

9 Sec. 7. Section 48-668, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 48-668 (1) The commissioner is hereby authorized to enter
 12 into arrangements with the appropriate and duly authorized agencies
 13 of other states or the federal government, or both, whereby:

14 ~~(4)~~(a) Services performed by an individual for a single
 15 employer for which services are customarily performed by such
 16 individual in more than one state shall be deemed to be services
 17 performed entirely within any one of the states in which ~~(a)-(i)~~
 18 any part of such individual's service is performed, ~~(b)-(ii)~~ such
 19 individual has his or her residence, or ~~(c)-(iii)~~ the employer

20 maintains a place of business, if there is in effect, as to such
21 services, an election by an employer with the acquiescence of such
22 individual, approved by the agency charged with the administration
23 of such state's unemployment compensation law, pursuant to which
24 services performed by such individual for such employer are deemed
25 to be performed entirely within such state;

26 ~~(2)~~(b) Service performed by not more than three
27 individuals, on any portion of a day but not necessarily
1 simultaneously, for a single employer which customarily operates
2 in more than one state shall be deemed to be service performed
3 entirely within the state in which such employer maintains the
4 headquarters of his or her business if there is in effect, as
5 to such service, an approved election by an employer with the
6 affirmative consent of each such individual, pursuant to which
7 service performed by such individual for such employer is deemed to
8 be performed entirely within such state;

9 ~~(3)~~(c) Potential rights to benefits under the Employment
10 Security Law may constitute the basis for payment of benefits
11 by another state or the federal government and potential rights
12 to benefits accumulated under the law of another state or the
13 federal government may constitute the basis for the payment of
14 benefits by this state. Such benefits shall be paid under the
15 Employment Security Law or under the law of such state or the
16 federal government or under such combination of the provisions of
17 both laws, as may be agreed upon as being fair and reasonable
18 to all affected interests. No such arrangement shall be entered
19 into unless it contains provisions for reimbursement to the fund
20 for such benefits as are paid on the basis of wages and service
21 subject to the law of another state or the federal government,
22 and provision for reimbursement from the fund for such benefits
23 as are paid by another state or the federal government on the
24 basis of wages and service subject to the Employment Security Law.
25 Reimbursements paid from the fund pursuant to this section shall be
26 deemed to be benefits for the purposes of the Employment Security
27 Law; and

1 ~~(4)~~(d) Wages, upon the basis of which an individual may
2 become entitled to benefits under an employment security law of
3 another state or of the federal government, shall be deemed to be
4 wages for insured work for the purpose of determining his or her
5 benefits under the Employment Security Law; and wages for insured
6 work, on the basis of which an individual may become entitled to
7 benefits under the Employment Security Law, shall be deemed to be
8 wages on the basis of which unemployment insurance is payable under
9 such law of another state or of the federal government. No such
10 arrangement shall be entered into unless it contains provisions
11 for reimbursement to the fund for such of the benefits paid under
12 the Employment Security Law upon the basis of such wages and
13 provision for reimbursement from the fund for such benefits paid
14 under such other law upon the basis of wages for insured work,

15 as the commissioner finds will be fair and reasonable to all
 16 affected interests. Reimbursement paid from the fund pursuant to
 17 this section shall be deemed to be benefits for the purposes of the
 18 Employment Security Law.

19 (2) Notwithstanding any other provisions of this section,
 20 the commissioner shall participate in any arrangements for the
 21 payment of benefits on the basis of combining an individual's
 22 wages and employment covered under the Employment Security Law with
 23 his or her wages and employment covered under the unemployment
 24 compensation laws of other states which are approved by the
 25 United States Secretary of Labor in consultation with the state
 26 unemployment compensation agencies as reasonably calculated to
 27 assure the prompt and full payment of benefits in such situations
 1 and which include provisions for (a) applying the base period
 2 of a single state law to a claim involving the combining of an
 3 individual's wages and employment covered under two or more state
 4 unemployment compensation laws, and (b) avoiding the duplicate use
 5 of wages and employment by reason of such combining. However, no
 6 benefits paid pursuant to an agreement to combine wages entered
 7 into under this subsection shall be charged against any employer's
 8 experience account if the employer's experience account, under the
 9 same or similar circumstances, would not be charged under the
 10 Employment Security Law. Benefits received by a claimant pursuant
 11 to an agreement entered into under this subsection to which he or
 12 she is not entitled shall be credited to an employer's experience
 13 account or reimbursement account in the same manner as claims paid
 14 based solely upon the laws of this state.

15 Sec. 8. Section 48-668.02, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 48-668.02 Reimbursements paid from the fund pursuant to
 18 ~~subsections (3) and (4) subdivisions (1)(c) and (1)(d)~~ of section
 19 48-668 shall be deemed to be benefits for the purposes of the
 20 Employment Security Law. The commissioner is authorized to make to
 21 other state or federal agencies and to receive from such other
 22 state or federal agencies reimbursements from or to the fund
 23 in accordance with arrangements entered into pursuant to section
 24 48-668.

25 Sec. 10. Since an emergency exists, this act takes effect
 26 when passed and approved according to law.

27 2. On page 2, line 16, after "the" insert "Nebraska" and
 1 after "Court" insert "which may use such information".

2 3. On page 15, line 9, strike "and" and show as stricken;
 3 and in line 13 after "ratio" insert "; and

4 (iii) No employer with a positive experience account
 5 balance shall be assigned to category 20".

6 4. On page 22, line 1, after "Original" insert "sections
 7 48-668 and 48-668.02, Reissue Revised Statutes of Nebraska,"; and
 8 in line 4 strike "and 48-649" and insert ", 48-649, and 48-652".

9 5. Renumber the remaining sections accordingly.

(Signed) Abbie Cornett, Chairperson

Agriculture

LEGISLATIVE BILL 131. Indefinitely postponed.

LEGISLATIVE BILL 633. Indefinitely postponed.

(Signed) Philip Erdman, 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.

Ronald Zeiger - Environmental Quality Council

Aye: 7 Senators Carlson, Christensen, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Dubas.

(Signed) LeRoy Loudon, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB823:
AM1786

(Amendments to E & R amendments, ER8154)

- 1 1. Insert the following new sections:
- 2 Sec. 12. Section 86-552, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 86-552 For purposes of the Intergovernmental Data
- 5 Services Program Act, the definitions found in sections ~~86-553~~
- 6 ~~86-554~~ to 86-561 apply.
- 7 Sec. 13. Section 86-562, Revised Statutes Cumulative
- 8 Supplement, 2006, is amended to read:
- 9 86-562 The purpose of the system is to allow for
- 10 the efficient operation of state government and its political
- 11 subdivisions. In managing and allocating resources on the system,
- 12 the ~~administrator-officer~~ shall assign first priority to providing
- 13 capacity for statewide applications that are essential to carrying
- 14 out the duties of state agencies in an efficient and effective
- 15 manner. The system may also serve local data processing needs of
- 16 political subdivisions, provide citizens with a point of access to
- 17 governmental services and information, and serve other state and
- 18 local needs, subject to available resources.
- 19 Sec. 14. Section 86-563, Revised Statutes Cumulative
- 20 Supplement, 2006, is amended to read:
- 21 86-563 In establishing and maintaining the system:

22 (1) The division:

1 (a) Shall provide the computer network and services for
2 the system with assistance from the division of communications of
3 the office;

4 (b) Shall, within available resources, assist ~~the~~
5 ~~Intergovernmental Data Communications Advisory Council, the~~
6 ~~Geographic Information System Steering Committee, and other local,~~
7 state, and federal collaborative efforts to encourage coordination
8 of information systems and data sharing;

9 (c) Shall coordinate its activities and responsibilities
10 with the functions of the division of communications to minimize
11 overlap and duplication of technical services between the divisions
12 in supporting the system, its applications, and application
13 development; and

14 (d) May undertake and coordinate planning studies to
15 determine the feasibility, benefits, costs, requirements, and
16 options for the intergovernmental transfer of data;

17 (2) ~~The administrator officer:~~

18 (a) Shall approve and coordinate the design, development,
19 installation, training, and maintenance of applications by state
20 agencies for use on the system. Any agency proposing to add
21 an application to the system shall submit an evaluation to
22 ~~the administrator officer~~ that examines the cost-effectiveness,
23 technical feasibility, and potential use of the proposed
24 application; that identifies the total costs of the application,
25 including design, development, testing, installation, operation,
26 and any changes to the computer network that are necessary for its
27 operation; and that provides a schedule that shows the estimated
1 completion dates for design, development, testing, installation,
2 training, and full operational status. ~~The administrator officer~~
3 shall not approve an application by a state agency for use on the
4 system unless his or her review shows that the application is cost
5 effective and technically feasible, that funding is available, and
6 that the proposed schedule is reasonable and feasible;

7 (b) Shall approve changes in the design of applications
8 by state agencies for use on the system. ~~The administrator officer~~
9 may require such information from the agency as necessary to
10 determine that the proposed change in design is cost effective
11 and technically feasible, that funding is available, and that the
12 proposed schedule for implementation is reasonable and feasible;

13 (c) ~~May, with the approval of the officer,~~ contract with
14 other governmental entities or private vendors in carrying out the
15 duties relating to the intergovernmental data services program;

16 (d) ~~Shall, in cooperation with the division of~~
17 ~~communications,~~ establish a rate schedule that reflects the rates
18 adopted by the division of communications and the information
19 management services division, plus any additional costs of the
20 system. Such fees may reflect a base cost for access to the system,
21 costs for actual usage of the system, costs for special equipment

22 or services, or a combination of these factors. The ~~administrator~~
 23 officer may charge for the costs of changes to the system that are
 24 requested by or are necessary to accommodate a request by a user.
 25 All fees shall be set to recover all costs of operation;

26 (e) May, ~~with the approval of the officer,~~ enter into
 27 agreements with other state and local governments, the federal
 1 government, or private-sector entities for the purpose of sale,
 2 lease, or licensing for third-party resale of applications and
 3 system design. Proceeds from such agreements shall be deposited to
 4 the Data Systems Cash Fund;

5 (f) Shall determine whether a local application shall be
 6 a component of the system. No local application shall be resident
 7 or operational in any component of the system without explicit
 8 authorization of the ~~administrator, officer; and~~

9 (g) Shall approve or disapprove the attachment of any
 10 peripheral device to the system and may prescribe standards and
 11 specifications that such devices must meet; ~~and~~

12 (h) ~~Shall provide assistance as requested by the Nebraska~~
 13 ~~Information Technology Commission to support the technical panel~~
 14 ~~created in section 86-521;~~

15 (3) The officer ~~and administrator~~ shall be responsible
 16 for the proper operation of the system, applications, and
 17 peripheral devices purchased or developed by the expenditure of
 18 state funds. The ownership of such system, applications, and
 19 peripheral devices shall be vested with the state; and

20 (4) All communications and telecommunications services
 21 for the intergovernmental data services program and the system
 22 shall be secured from the division of communications.

23 Sec. 15. Section 86-564, Revised Statutes Cumulative
 24 Supplement, 2006, is amended to read:

25 86-564 (1) The ~~administrator-officer~~ shall submit as
 26 part of the biennial budget request of the office a listing of
 27 all applications submitted for consideration, cost estimates for
 1 development, testing, and full operation of each application, a
 2 recommended priority listing of the applications for which an
 3 evaluation is completed, and funding recommendations by application
 4 contained within the budget request for the division. All
 5 application estimates and requests shall be scheduled over ensuing
 6 fiscal years such that annual projected costs and completion of
 7 application phases to the point of fully operational status can be
 8 clearly determined. Local applications shall not be subject to the
 9 provisions of this subsection.

10 (2) All development costs for approved new applications
 11 shall be budgeted and appropriated to the division or to
 12 participating state agencies at the discretion of the Legislature.
 13 Agencies may independently request appropriations for such
 14 application development, however such requests shall be subject
 15 to the review and prioritization set forth in subdivision (2)(a)
 16 of section 86-563, and at such time as the application becomes

17 an authorized application and funded by the Legislature, the
 18 cost of such development shall be appropriated to the division
 19 or to participating state agencies. To the extent possible, if
 20 office cash or revolving funds or federal funds may be used
 21 for application development, such funds may be transferred to
 22 the division and expended for application development in order
 23 to properly account for all costs associated with application
 24 development.

25 Sec. 16. Section 86-565, Revised Statutes Cumulative
 26 Supplement, 2006, is amended to read:

27 ~~86-565 The administrator~~ officer may adopt and promulgate
 1 rules, regulations, guidelines, and procedures to carry out
 2 sections 86-563 and 86-564.

3 Sec. 17. Section 86-569, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 ~~86-569 (1) The Legislature finds that the Geographic~~
 6 ~~Information System is Systems~~ are a computer-based technology that
 7 captures, stores, analyzes, and displays information about the
 8 earth's surface from ~~a geographically referenced system, systems,~~
 9 that an interest in the ~~system systems~~ is rapidly increasing at all
 10 levels of government, and that an institutional mechanism is needed
 11 to encourage initiatives, coordinate efforts, avoid duplication,
 12 seek efficiencies, develop guidelines, policies, and standards for
 13 operations and management, promote education and training, and make
 14 recommendations so that such technology will benefit the entire
 15 state and endure as an analysis tool for decisionmakers.

16 ~~(2) The Intergovernmental Data Communications Advisory~~
 17 ~~Council has found that there are many levels of experience,~~
 18 ~~expertise, and hardware and software sophistication among the~~
 19 ~~various levels of government and that guidelines, policies,~~
 20 ~~coordination, and standards are required to realize the maximum~~
 21 ~~benefits of this technology, avoid data quality problems, and~~
 22 ~~resolve conflicts at a reasonable cost for the state.~~

23 ~~(3)-(2)~~ It is the intent of the Legislature that a
 24 ~~Geographic Information System Steering Committee Systems Council~~
 25 be created with statewide responsibilities to take an active
 26 role in implementing ~~the Geographic Information System Systems.~~
 27 Such ~~committee council~~ would help facilitate acquisition of such
 1 technology at all levels of government and make recommendations
 2 to the Legislature for program initiatives and funding and the
 3 fostering of communication, training, and education.

4 ~~(3) It is the intent of the Legislature that the~~
 5 ~~Geographic Information Systems Council serve as an advisory council~~
 6 ~~to the Nebraska Information Technology Commission and assist the~~
 7 ~~commission in its overall information technology planning and~~
 8 ~~oversight and provide technical advice and recommendations related~~
 9 ~~to the specialized needs of Geographic Information Systems.~~

10 Sec. 18. Section 86-570, Revised Statutes Supplement,
 11 2007, is amended to read:

12 86-570 (1) The Geographic Information ~~System Steering~~
 13 ~~Committee~~ Systems Council is hereby created and shall consist of
 14 ~~nineteen members as follows:~~

15 (a) The Chief Information Officer or his or her designee
 16 and the director or designee of the Department of Environmental
 17 Quality, the Department of Health and Human Services, the
 18 Conservation and Survey Division of the University of Nebraska, the
 19 Department of Natural Resources, and the Governor's Policy Research
 20 Office;

21 (b) The Director-State Engineer or designee;

22 (c) The State Surveyor or designee;

23 (d) The Clerk of the Legislature or designee;

24 (e) The secretary of the Game and Parks Commission or
 25 designee;

26 (f) The Property Tax Administrator or designee;

27 (g) One representative of federal agencies appointed by
 1 the Governor;

2 (h) One representative of the natural resources districts
 3 nominated by the Nebraska Association of Resources Districts and
 4 appointed by the Governor;

5 (i) One representative of the public power districts
 6 appointed by the Governor;

7 (j) Two representatives of the counties nominated by
 8 the Nebraska Association of County Officials and appointed by the
 9 Governor;

10 (k) One representative of the municipalities nominated
 11 by the League of Nebraska Municipalities and appointed by the
 12 Governor; ~~and~~

13 (l) Two members at large appointed by the Governor; ~~and;~~

14 (m) Such other members as nominated by the Nebraska
 15 Information Technology Commission and appointed by the Governor.

16 (2) The appointed members shall serve ~~for terms of~~
 17 ~~four years, except that of the initial members appointed by the~~
 18 ~~Governor, one of the representatives of the counties shall be~~
 19 ~~appointed for one year and the other shall be appointed for three~~
 20 ~~years, one of the members at large shall be appointed for one~~
 21 ~~year and the other for three years, and the representative of the~~
 22 ~~public power districts shall be appointed for two years. Their~~
 23 ~~successors shall be appointed for four year terms. Any vacancy~~
 24 ~~on the committee shall be filled in the same manner as the~~
 25 ~~original appointment, and the person selected to fill such vacancy~~
 26 ~~shall have the same qualifications as the member whose vacancy is~~
 27 ~~being filled, as determined by the Nebraska Information Technology~~
 1 Commission.

2 (3) The members shall be reimbursed for their actual and
 3 necessary expenses as provided in sections 81-1174 to 81-1177.

4 Sec. 19. Section 86-571, Revised Statutes Cumulative
 5 Supplement, 2006, is amended to read:

6 86-571 (1) The Geographic Information ~~System Steering~~

7 ~~Committee-Systems Council~~ shall elect a chairperson from its
8 members and such other officers as the ~~committee-council~~ deems
9 necessary.

10 (2) As the need arises, advisory committees may be
11 established by the ~~committee-council~~ from various levels of
12 government, industry, or the general public to assist the
13 ~~committee-council~~. The members of advisory committees shall be
14 reimbursed for their actual and necessary expenses as provided in
15 sections 81-1174 to 81-1177.

16 (3) The ~~committee-council~~ shall meet quarterly or upon
17 the call of the chairperson.

18 Sec. 20. Section 86-572, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 86-572 The Geographic Information ~~System Steering~~
21 ~~Committee-Systems Council~~ shall:

22 (1) Make recommendations to the Legislature and the
23 Nebraska Information Technology Commission for program initiatives
24 and funding;

25 (2) Establish guidelines and policies for statewide
26 Geographic Information ~~System-Systems~~ operations and management
27 to include:

1 (a) The acquisition, development, maintenance, quality
2 assurance such as ~~quality control~~-standards, access, ownership,
3 cost recovery, and priorities of data bases;

4 (b) The compatibility, acquisition, and communications of
5 hardware and software;

6 (c) The assessment of needs, identification of scope,
7 setting of standards, and determination of an appropriate
8 enforcement mechanism;

9 (d) The fostering of training programs and promoting
10 education and information about ~~the-Geographic Information System;~~
11 Systems; and

12 (e) The promoting of ~~the-Geographic Information System~~
13 Systems development in the State of Nebraska and providing or
14 coordinating additional support to address Geographic Information
15 ~~System-Systems~~ issues as such issues arise;

16 (3) Report to, assist, and advise the Chief Information
17 Officer in setting information technology policy; and

18 (4) Provide assistance as requested by the ~~Nebraska~~
19 ~~Information Technology Commission to-commission and~~ support the
20 technical panel created in section 86-521.

21 Sec. 21. Section 86-573, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 86-573 ~~Annually, the chairperson of the Geographic~~
24 ~~Information System Steering Committee shall submit a written~~
25 ~~report, approved by the committee, to the Governor and the Clerk~~
26 ~~of the Legislature and shall send a copy of such report to the~~
27 ~~Intergovernmental Data Communications Advisory Council.~~

1 The Geographic Information Systems Council shall provide

2 a report of its activities to the Nebraska Information Technology
3 Commission for inclusion in the biannual progress report submitted
4 to the Governor and the Legislature by the commission pursuant to
5 section 86-518.

6 Sec. 23. The following sections are outright repealed:
7 Sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537,
8 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545,
9 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes
10 Cumulative Supplement, 2006.

11 2. On page 3, line 2, after the comma insert
12 "intergovernmental data communications,".

13 3. Renumber the remaining section and correct the
14 repealer accordingly.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 157, 196, 465, 480, and 621.

(Signed) Annette Dubas

GENERAL FILE

LEGISLATIVE BILL 668. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 715. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 279. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 896. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 898. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Senator Cornett designates LB766 as her priority bill.

AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB140:
AM1800

- 1 1. On page 6, line 23, after "department" insert ".The
- 2 copy of such complaint shall include the name of the complainant;".

UNANIMOUS CONSENT - Add Cointroducers

Senator Harms asked unanimous consent to add his name as cointroducer to LB534 and LB1056. No objections. So ordered.

Senator Gay asked unanimous consent to add his name as cointroducer to LB830. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB880. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bill and Isabelle Thomas; members of Leadership Plenty from Hebron; and members of Scottsbluff/Gering United Chamber and Leadership Scotts Bluff from Scottsbluff and Gering and Leadership Box Butte from Alliance.

The Doctor of the Day was Dr. Mikala Albertson from Omaha.

MOTION - Adjournment

Senator Rogert moved to adjourn. The motion prevailed with 22 ayes, 6 nays, 15 present and not voting, and 6 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 10:00 a.m., Monday, February 11, 2008.

Patrick J. O'Donnell
Clerk of the Legislature