

**FOURTH DAY - JANUARY 14, 2002**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
SECOND SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 14, 2002

**PRAYER**

The prayer was offered by Father Paul Witt, St. Mary's Catholic Church, Lincoln, Nebraska.

**ROLL CALL**

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

The roll was called and all members were present.

**SENATOR CUDABACK PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits this report of the following legislative bills:

<b>LB/LR</b>	<b>Committee</b>
LB 883	Transportation and Telecommunications (rereferred)
LB 1016	Banking, Commerce and Insurance
LB 1017	Health and Human Services
LB 1018	Government, Military and Veterans Affairs
LB 1019	Nebraska Retirement Systems
LB 1020	Banking, Commerce and Insurance
LB 1021	Health and Human Services
LB 1022	Revenue
LB 1023	Natural Resources
LB 1024	Revenue
LB 1025	Revenue

LB 1026	Natural Resources
LB 1027	Nebraska Retirement Systems
LB 1028	Transportation and Telecommunications
LB 1029	Government, Military and Veterans Affairs
LB 1030	Revenue
LB 1031	Government, Military and Veterans Affairs
LB 1032	Health and Human Services
LB 1033	Health and Human Services
LB 1034	Judiciary
LB 1035	Health and Human Services
LB 1036	Revenue
LB 1037	Revenue
LB 1038	Nebraska Retirement Systems
LB 1039	Revenue
LB 1040	Business and Labor
LB 1041	Appropriations
LB 1042	Revenue
LB 1043	Judiciary
LB 1044	Revenue
LB 1045	Revenue
LB 1046	Education
LB 1047	Banking, Commerce and Insurance
LB 1048	Banking, Commerce and Insurance
LB 1049	Government, Military and Veterans Affairs
LB 1051	Appropriations
LB 1052	Transportation and Telecommunications

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 14, 2002, 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, Chris, Public Affairs Group  
Agri-Business Association, Nebraska  
Brain Injury Association of Nebraska, Inc.  
Credit Union League, Nebraska  
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  
Community Preservation Assistance Coalition  
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  
Speech, Language, & Hearing Association, Nebraska  
Turn Off the Violence

Andersen, Robert C.  
Cooperative Council, Nebraska

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

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

Baack, Dennis G.  
Community College Association, Nebraska

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)
- Bell, David  
Loup River Public Power District
- Bellum, Fred  
AARP
- Benjamin, Connie  
AARP
- Berg, Amy R.  
Voices for Children
- Blank, Robert  
Metro Right to Life
- Bohrer, Bruce J.  
Lincoln Chamber of Commerce
- Boldt, Randy  
Blue Cross & Blue Shield of Nebraska
- Bonaiuto, John A.  
School Boards, Nebraska Association of
- Boucher, Richard  
Sheriff's Association, Nebraska
- Britton, Mark Douglas  
State Farm Insurance Companies
- Broer, Walter L.  
General Contractors, Nebraska Building Chapter, Associated
- Brown, Vincent D.  
Petroleum Institute, American

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

Bunger, Ken  
City of Omaha, Mayor  
Omaha Douglas Public Building Commission

Buntain, David R.  
Medical Association, Nebraska

Butz, Timothy C.  
ACLU Nebraska

Cady, Steven W.  
Pork Producers Association, Nebraska

Campbell, Mary M.  
Beer Wholesalers Association, Nebraska  
Cable Communications Association, Nebraska  
Educational Service Units Administrators Association  
Lincoln Public Schools  
PharMerica, MultiState Associates, Inc. on behalf of  
Region II and V Services  
State Troopers Association of Nebraska, Inc.  
University of Nebraska  
Wholesale Liquor Distributors Association, Nebraska

Carstenson, Eric B.  
Telecommunications Association, Nebraska

Cavanaugh, James P.  
Creighton University  
District Court Judges Association, Nebraska  
Fraternal Order of Police, Nebraska  
Independent Insurance Agents of Nebraska  
Schwan's Information Services

Cheloha, John A. 'Jack'  
City of Omaha

Clayburn, Neal  
Lincoln Education Association

Counts, Barry A.  
Sprint/Local Telecommunications Division

Cover, Joni R.

Hospitals & Health Systems, Nebraska Association of

Craig, Robert B.

American Legion of Nebraska

Cuca, Ralph "Bud"

Trucking Association, Nebraska

Cunningham, James R.

Catholic Conference, Nebraska

Cutshall & Associates

1-800-CONTACTS

Arapahoe Feed Mill, Inc./7-11 Pork Food, Inc.

Area Agencies on Aging, Nebraska Association of

BryanLGH Health System

Builders & Suppliers Coalition

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

Motorola, Inc.

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

DeHart, Chuck

Williams Companies

- Deppe, Jonah May  
League of Woman Voters of Nebraska
- Dibbern, Chris M.  
Nebraska Municipal Power Pool
- Didier, Genenne  
Brain Injury Association of Nebraska, Inc.
- Dobler, James B.  
Farmers Mutual Insurance Company of Nebraska, National
- Dudley, William H.  
AFLAC
- Dugan, Susie  
PRIDE-Omaha, Inc.
- 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
- Fenster, Rolland  
AARP

Ferdinand, L. Rene'  
ARC of Nebraska

Ferrell, Beth Bazyn  
County Officials, Nebraska Association of

Fox Jr., Deryl Dean  
ABATE of Nebraska, Inc.

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

Fulton, Jack A.  
Sugar Growers Cooperative, Rocky Mountain

Funk, Christine  
Planned Parenthood of Lincoln

Gady, Richard L.  
ConAgra, Inc.

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

Goc, John J.  
BOSC, LP  
Metropolitan Utilities District of Omaha  
Telephone Association, Nebraska Independent

Golden, Jeffery S.  
Children and Family Coalition of Nebraska

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



- Grant, Rhonda K.  
Jackson National Life Insurance Company
- Grieser, Mary Taylor  
Certified Public Accountants, Nebraska Society of
- Griess, James R.  
Education Association, Nebraska State
- Grove, Marvin M.  
ABATE of Nebraska, Inc.
- Guy, Burnell C.  
Brain Injury Association of Nebraska, Inc.
- Hale, Brian R.  
School Boards, Nebraska Association of
- Hall, Kimberle M.  
Home & Community Health Agencies, Nebraska Association of
- Hallstrom, Robert J.  
Bankers Association, Nebraska  
HLR Service Corporation  
National Federation of Independent Business  
NETWORKS, Inc.  
Pharmacists Association, 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
- Hereden, Jerry  
Williams Companies

- Herrin, Sally J.  
Farmers Union, Nebraska
- Hewgley, Laura  
Retail Federation, Nebraska
- Hogrefe, Raymond H.  
National Association of Retired Federal Employees, NE
- 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.  
Great Plains Communications
- Intermill, Mark  
AARP
- Intermill, Nancy L.  
Alzheimer's Association, Lincoln/Greater NE
- 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, Michael L.  
Fonner Park Exposition and Events Center, Inc.  
Hall County Livestock Improvement Association
- Johnson, Sandra A.  
Medical Association, Nebraska
- Jordison, John C.  
Tax Research Council, Inc., Nebraska
- Kamm, Richard D.  
Class VI Association of Schools  
School Finance Coalition, Nebraska
- Karavas, Julie M.  
Cattlemen, Nebraska
- Keetle, Roger S.  
Hospitals & Health Systems, Nebraska Association of
- Keigher, Timothy  
Petroleum Marketers & Convenience Store Assn., Nebraska
- Kelley, Michael A.  
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 & Hall, P.C.  
Metropolitan Utilities District of Omaha  
Omaha Airport Authority  
Omaha Exposition & Racing, Inc.
- 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 Voters for Choice, Nebraska

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.

BP North America

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

Pork Producers Association, Nebraska

Professional Engineers Coalition

Telecommunications Business Users Coalition, Nebraska

West Teleservices

Kramer, David J.

Republican Party, Nebraska

Krannawitter, Brian

Health Education Incorporated

Kratz, Dean G.

General Contractors, Nebraska Building Chapter, Associated

Krumland, Gary G.

League of Nebraska Municipalities

- Kruse, Larry D.  
Glaxo Wellcome, Inc.
- Kulesher, Kate M.  
Wyeth-Ayerst Laboratories
- Lamb, Amy  
Occupational Therapy Association, Nebraska
- Lange, Robert G.  
Ameritas Life Insurance Corporation
- Larsen, Carlin L.  
Qwest Communications (formerly US West)
- Lawton, Kristine L.  
Rasmussen Legislative Consultants, Inc.
- 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.
- Lutz, Daniel B.  
ProRail Nebraska, Inc.
- Lutz, Mark  
Restaurant Association, Nebraska

- Lutz, Richard  
Restaurant Association, Nebraska
- Madcharo, Kelley  
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
- McGee, Joan Ann  
AARP
- 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  
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
- 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
- Millea, Michael  
AARP
- Minor, Timothy H.  
CF Industries, Inc.
- Monaghan, Thomas J.  
Citizens for Equal Protection
- 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  
ASARCO Incorporated  
AT&T Corporation  
Ayars & Ayars, Inc.  
Bankers Association, Heartland Community  
Big Red Lottery Services, Ltd.  
Cement Co., Ash Grove  
Chief Industries, Inc.  
Collectors Association, Nebraska  
Cutshall & Associates  
Dental Association, Nebraska  
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  
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  
Schools Construction Alternatives Association, Nebraska  
Segway LLC, MultiState Associates Inc. on behalf of  
Western Wireless Corporation
- Munguia, Roberto Fernando  
Burlington Northern Santa Fe
- Nabb, Douglas  
Fremont Public Schools
- Naff, Clayton F.  
Community Action Agencies, Association of Nebraska
- Neidig, Bryce P.  
Farm Bureau Federation, Nebraska
- Neilan, Perre S.  
Realtors Association, Nebraska
- Nelson, Craig L.  
County Officials, Nebraska Association of
- Nielsen, Coleen J.  
Merck & Company, Human Health Division (PA)  
State Farm Insurance Companies
- Nowka, Trent P.  
Cutshall & Associates
- Obermier, Duane  
Education Association, Nebraska State
- Obst, Robert E.  
Qwest Communications (formerly US West)
- O'Hara, Lindsay & Associates, Inc.  
Ambulatory Centers, Nebraska Association of Independent



Automobile Manufacturers, Alliance of  
Avaya Inc.  
Blue Cross & Blue Shield of Nebraska  
Citizens for a Healthy Nebraska  
County Judges Association, Nebraska  
Enron Transportation & Storage  
Finocchiaro Wine Company, Inc.  
First National Bank of Omaha  
Gun Violence, The Brady Campaign to Prevent  
Hall County Livestock Improvement Association  
Humanities Council, Nebraska  
Kinder Morgan, Inc.  
Manheim Auctions d/b/a Omaha Auto Auctions  
Minnesota Corn Processors, Inc.  
Mortgage Brokers, Nebraska Association of  
Motorola, Inc.  
Nucor Corporation  
Omaha Public Power District  
Peru State College Foundation  
Pioneer Hi-Bred International  
Public Competitive Bid Laws, Nebraskans for  
Soft Drink Association, Nebraska  
Trial Attorneys, Nebraska Association of  
Utilicorp United  
Winnebago Tribe of Nebraska  
Worldcom, Inc.

O'Hara, Paul V.

O'Hara, Lindsay & Associates, Inc.

O'Neill Jr., Thomas J.

Independent Colleges & Universities of Nebraska (AICUN),

Orta, Carlos F.

Ford Motor Company

Orton, Leroy

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

Ozanne, Colleen K.

State Farm Insurance Companies

Pack, Mary M.

Radcliffe & Associates

Pallesen Jr., Charles M.

Medical Association, Nebraska

Peetz, Natalie

Omaha Chamber of Commerce, Greater

Peters, William E.

Brown & Williamson Tobacco

Burlington Northern Santa Fe

Golden Rule Insurance Company

Lorillard Tobacco Company

Petersen, Daphne

Optometric Association, Nebraska

Social Workers, Nebraska Chapter of 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

Popken, Kent T.

Qwest Communications (formerly US West)

Potter, Cara E.

Grocery Industry Association, Nebraska

Kelley, Lehan & Hall, P.C.

Retail Federation, Nebraska

Prenda, Amy

Kissel/E&S Associates, L.L.C.

Preston, James N.

Trucking Association, Nebraska

Prettyman, Keith A.

Lincoln Insurance Group (Woodman)

Ptacek, Patrick J.

Grain and Feed Association, Nebraska

Quist, LeaAnn

Great Plains Communications

Radcliffe, Walter H.

Agriculture, Nebraska State Board of

ALLTEL Communications

Cable Communications Association, Nebraska

Cemetery Association, Nebraska State  
 Certified Public Accountants, Nebraska Society of  
 Educational Services, Inc., Foundation for  
 Father Flanagan's Boys' Home aka Girls and Boys Town  
 Father Flanagan's Boys' Home d/b/a Boys Town National  
 Financial Services Coalition, Nebraska  
 GTECH Corporation  
 Health Care Association, Nebraska  
 IBP, Inc.  
 Lincoln Public Schools  
 Media of Nebraska, Inc.  
 Motion Picture Association of America  
 National Rifle Association Institute for Legislative Action  
 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.  
 University of Nebraska  
 UST Public Affairs, Inc.  
 Waste Connections, Inc.  
 Wholesale Liquor Distributors Association, Nebraska

Rasmussen, Dennis

Auto Dealers Association, Nebraska Independent  
 Autobody Association, Nebraska  
 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  
 Wells Fargo Bank, N.A.

Redoutey, Laura J.

Hospitals & Health Systems, Nebraska Association of

Remington, S. June

Health Underwriters, Nebraska Association of  
 Insurance and Financial Advisors, National Association of  
 Social Workers, Nebraska Chapter of National Association of

- Rempe, Jay E.  
Farm Bureau Federation, Nebraska
- Renner, Shawn D.  
Media of Nebraska, Inc.
- Rex, L. Lynn  
League of Nebraska Municipalities
- 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.
- Rose, Dian  
Williams Companies
- Rowley, Mitch  
Catholic Conference, Nebraska
- Ruehle, Greg  
Cattlemen, Nebraska
- Ruth, Larry L.  
Airport Officials, Nebraska Association of  
American Express Travel Related Services, Inc.  
Anesthesiologists, Nebraska Society of  
ASARCO Incorporated  
AT&T Corporation  
Ayars & Ayars, Inc.  
Bankers Association, Heartland Community  
Big Red Lottery Services, Ltd.  
Cement Co., Ash Grove  
Chief Industries, Inc.  
Collectors Association, Nebraska  
Cutshall & Associates  
Dental Association, Nebraska  
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  
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  
Schools Construction Alternatives Association, Nebraska  
Segway LLC, MultiState Associates Inc. on behalf of  
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.  
Bell Family Farms  
Charitable Gaming and Legislation, Nebraskans for  
Chiropractic Physicians Association, Nebraska  
Husker Ag Processing  
KAPPA - Group  
Sutherland Ethanol

- Schmit-Albin, Julie  
Right to Life, Inc., Nebraska
- Schwartz, Julia Plucker  
Children's Healthcare Services
- Seacrest, Kent  
Antelope Valley Authority, Joint
- Sedlacek, Ronald J.  
Bankers Association, Nebraska  
Chamber of Commerce & Industry, Nebraska  
Travelers Express Company, Inc.
- Sellentini, Jerry L.  
School Administrators, Nebraska Council of
- Setzpfandt, Scott  
HLR Service Corporation
- Sholl, Arthur F.  
Mechanical Engineers, American Society of
- Shultz, Jack L.  
Motorcycle Industry Council, Inc.
- Siefken, Kathy  
Grocery Industry Association, Nebraska
- Skochdopole, Robert A.  
Ephedra Committee of the American Herbal Products Assn.  
Independent Insurers, National Association of  
Midwest Medical Insurance Company  
Verizon Wireless, Multistate Associates on behalf of
- Snyder, Patricia  
Health Care Association, Nebraska
- Sommermeier, Mary E.  
League of Nebraska Municipalities
- Stading, Donald R.  
Ameritas Life Insurance Corporation
- States, Jennifer  
Community Action Agencies, Association of Nebraska
- Stepanek, Chuck  
Nurses' Association, Nebraska

- Stilmock, Gerald M.  
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
- Testa, Joseph S.  
American Council of Life Insurers
- Thompson, Nancy  
Friends of the Constitution
- 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
- 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
- Westerfield, Julie  
Retail Federation, Nebraska
- Wickman, Barbara J.  
Metro Omaha Builders Association
- Wiitala, Steve  
Omaha Public Schools
- Williams, David M.  
Ameritas Life Insurance Corporation
- Wininger, Dwight  
Rural Telecommunications Coalition, Nebraska
- Winston, Ken  
Community Action Agencies, Association of Nebraska  
GASP-Group to Alleviate Smoking Pollution  
Library Association, Nebraska  
Nebraskans Against the Death Penalty  
Sierra Club, Nebraska
- Withem, Ron  
University of Nebraska
- Workman, William T.  
AARP
- Wylie, William M.  
Insurance Information Service, Nebraska
- Yost, Kurt T.  
Bankers Association, Nebraska Independent  
Central Nebraska Public Power & Irrigation District  
Check Cashiers Association, Nebraska



**RESOLUTION**

**LEGISLATIVE RESOLUTION 278.** Read. Considered.

Senator Kristensen asked unanimous consent to add all senators' names to LR 278. No objections. So ordered.

LR 278 was adopted with 48 ayes, 0 nays, and 1 present and not voting.

**SPEAKER KRISTENSEN PRESIDING****BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1053.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to school levies; to amend section 77-3442, Revised Statutes Supplement, 2001; to change provisions relating to the maximum levy; and to repeal the original section.

**LEGISLATIVE BILL 1054.** Introduced by Schimek, 27; Aguilar, 35; Brown, 6; Burling, 33; McDonald, 41; Smith, 48; Synowiecki, 7; Vrtiska, 1.

A BILL FOR AN ACT relating to civil rights; to amend sections 29-112 to 29-113, 32-223, 32-227, 32-228, 32-230, 32-241, 32-914, 32-1119, 83-187, and 83-1,118, Reissue Revised Statutes of Nebraska, sections 29-2264, 32-233, 32-235, 32-236, 32-916, 32-947, and 32-1002, Revised Statutes Supplement, 2000, and section 32-101, Revised Statutes Supplement, 2001; to require written notice regarding civil rights for convicted felons; to change provisions relating to poll workers, absentee ballots, and recounting ballots to provide for provisional ballots; to harmonize provisions; and to repeal the original sections.

**MOTION - Adopt Permanent Rules**

Senator Hudkins moved to adopt the permanent rules for the Ninety-Seventh Legislature, Second Session.

The Rules Committee renewed the proposed rules change, Committee Proposal #1, found on page 160, to amend Rule 7, Section 10.

Senator Chambers moved to recommit proposed rules change to the Rules Committee.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1055.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-4322 and 2-4324, Reissue Revised Statutes of Nebraska, and sections 2-958 and 2-2634, Revised Statutes Supplement, 2001; to change provisions relating to fees and funds; and to repeal the original sections.

**LEGISLATIVE BILL 1056.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,162.23, Revised Statutes Supplement, 2000, and section 81-2,162.27, Revised Statutes Supplement, 2001; to change fee and fund provisions in the Nebraska Commercial Fertilizer and Soil Conditioner Act; and to repeal the original sections.

**LEGISLATIVE BILL 1057.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-850 and 54-857, Reissue Revised Statutes of Nebraska; to change fee and fund provisions in the Commercial Feed Act; and to repeal the original sections.

**LEGISLATIVE BILL 1058.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 2-10,117, Reissue Revised Statutes of Nebraska; to change fund provisions in the Plant Protection and Plant Pest Act; and to repeal the original section.

**LEGISLATIVE BILL 1059.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2001; to provide for fees for extracurricular activities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1060.** Introduced by Wickersham, 49; Raikes, 25.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1344 and 66-1345 to 66-1345.02, Revised Statutes Supplement, 2001; to change a production credit; to impose an excise tax on distiller's grain and gluten feed; to change a tax rate on corn and grain sorghum; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1061.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to jails; to amend section 47-401, Reissue Revised Statutes of Nebraska; to change provisions relating to the privilege of leaving jail; and to repeal the original section.

**LEGISLATIVE BILL 1062.** Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 18; Erdman, 47; Maxwell, 9; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to health and human services; to amend sections 44-2901, 71-1,132.04, 71-1,132.06, 71-1,132.16, 71-1,132.18, 71-1,132.24, 71-1,132.25, 71-1,132.35, 71-1,231, 71-1729, 71-1757, 71-1761, 71-1787, 71-2412, 71-6057, 71-6603, and 83-126, Reissue Revised Statutes of Nebraska, sections 42-358, 43-3342.01, 71-139.01, 71-1,104, 71-1,132.07, 71-1,132.11, 71-1,132.13, 71-1,132.20, 71-1,134, 71-1,136.03, 71-1,139.01, 71-1,158, 71-1,160, 71-1,161, 71-404, 71-432, 71-434, 71-436, 71-438, 71-456, 71-1723.02, 71-6053, 71-6054, 71-6056, 71-6060, 71-6061, 71-6065, 71-6066, and 81-1316, Revised Statutes Supplement, 2000, and sections 71-101, 71-1,147.53, 71-401, 71-2421, and 71-5310, Revised Statutes Supplement, 2001; to change provisions relating to child support enforcement and licenses to practice medicine and surgery, nursing, optometry, veterinary medicine, and respiratory care; to provide for optometric assistants; to change provisions relating to drug expiration dates, health care facility licensure, nursing home administration, and facilities under the supervision of the Department of Health and Human Services; to repeal the State Hospital Survey and Construction Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2001, 71-2002, 71-2004, and 71-2006 to 71-2016, Reissue Revised Statutes of Nebraska, and section 71-2003, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 1063.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to cigarette tax; to amend sections 77-2601, 77-2602.03, 77-2603, 77-2604, 77-2609, 77-2615, 77-2617, and 77-2620, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties, an administrative penalty, and for cigarette destruction as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 1064.** Introduced by Vrtiska, 1; Aguilar, 35; Brown, 6; Burling, 33; Coordsen, 32; Janssen, 15; Jones, 43; McDonald, 41; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 2000; to change a date relating to forms and applications; and to repeal the original sections.

**LEGISLATIVE BILL 1065.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 69-1305.02, Reissue Revised Statutes of Nebraska, and section 28-101,

Revised Statutes Supplement, 2000; to prohibit the issuance of gift certificates as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1066.** Introduced by Schrock, 38; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources districts; to amend section 46-656.10, Reissue Revised Statutes of Nebraska; to change provisions relating to cease and desist orders as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1067.** Introduced by Brown, 6; Beutler, 28; Bourne, 8; Bromm, 23; Byars, 30; Jensen, 20; D. Pederson, 42; Quandahl, 31.

A BILL FOR AN ACT relating to cloning; to prohibit activities relating to human reproductive cloning; to define terms; and to provide a penalty.

**LEGISLATIVE BILL 1068.** Introduced by Janssen, 15; Cunningham, 18; Schrock, 38.

A BILL FOR AN ACT relating to pickle cards; to amend sections 9-340.02, 9-347, 9-347.01, and 9-348, Reissue Revised Statutes of Nebraska; to change provisions relating to prize limitations and definite profit; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1069.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-128, Reissue Revised Statutes of Nebraska; to change filing and hearing fees as prescribed; and to repeal the original section.

### AMENDMENTS - Print in Journal

Senator Price filed the following amendment to LB 82:  
AM2221

(Amendments to Standing Committee amendments, AM1962)

- 1 1. On page 6, line 6; page 8, line 7, and page 16, line
- 2 4, after the period insert "For a humane society or comparable
- 3 institution to be considered as an adoption alternative under this
- 4 subsection, it must first be certified by the Department of
- 5 Agriculture as having passed the inspection requirements in the
- 6 Commercial Dog and Cat Operator Inspection Act and paid the fee for
- 7 inspection under the act."

Senator Bruning filed the following amendment to LB 298:  
AM2259

- 1 1. In the Standing Committee amendments, AM0215, strike
- 2 amendment 1.

## 3 2. Strike AM7060.

Senators Dierks and Erdman filed the following amendment to LB 803:  
AM2307

(Amendments to Standing Committee amendments, AM1079)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 2-2304, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-2304. (1) The board shall be composed of seven members
- 6 who shall (a) be citizens of Nebraska, (b) be at least twenty-five
- 7 years of age, (c) have been actually engaged in growing wheat in
- 8 this state for a period of at least five years, and (d) derive a
- 9 substantial portion of their income from growing wheat. The
- 10 Director of Agriculture and the vice chancellor of the University
- 11 of Nebraska Institute of Agriculture and Natural Resources shall
- 12 serve as nonvoting, ~~ex officio~~ members of the board. With the
- 13 exception of the ~~ex officio~~ nonvoting members, the Governor shall
- 14 appoint the members to the board.
- 15 (2) The seven appointed members shall be appointed from
- 16 the following districts:
- 17 (a) District 1: The counties of Sioux, Scotts Bluff,
- 18 ~~Banner~~, Dawes, Box Butte, Morrill, Sheridan, and Garden;
- 19 (b) District 2: The counties of Kimball, Banner, and
- 20 Cheyenne;
- 21 (c) District 3: The counties of Perkins, Deuel, Keith,
- 22 Arthur, McPherson, Logan, Grant, Hooker, Thomas, and Cherry;
- 23 (d) District 4: The counties of Lincoln, Chase, Dundy,
- 1 Hayes, Hitchcock, and Frontier;
- 2 (e) District 5: The counties of Buffalo, Dawson, Phelps,
- 3 Custer, Gosper, Kearney, Red Willow, Furnas, Harlan, and Franklin;
- 4 (f) District 6: The counties of Adams, Webster,
- 5 Nuckolls, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, ~~and~~
- 6 Richardson, ~~and~~
- 7 ~~(g) District 7: The counties of Otoe, Cass, Lancaster,~~
- 8 Seward, York, Hamilton, Hall, Sherman, Howard, Merrick, Nance,
- 9 Polk, Butler, Saunders, Sarpy, Douglas, Washington, Dodge, Colfax,
- 10 Platte, Burt, Cuming, Stanton, Madison, Boone, Valley, Greeley,
- 11 Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox,
- 12 Wheeler, Garfield, Loup, Blaine, Brown, Rock, Holt, Boyd, Keya
- 13 Paha, Clay, Fillmore, and Saline; and
- 14 (g) District 7: The at-large district.
- 15 Sec. 2. Section 2-2305, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 2-2305. ~~Within sixty days after July 1, 1991, the~~
- 18 ~~Governor shall appoint the member of the board from district 4 to~~
- 19 ~~serve for a term of five years. The term of the member serving~~
- 20 ~~from district 4 prior to April 11, 1991, shall expire on June 30,~~
- 21 ~~1994. The term of the member serving from district 4 prior to~~

22 April 11, 1991, shall expire on June 30, 1995, and such member  
 23 shall represent district 5 after April 11, 1991. The term of the  
 24 member serving from district 5 prior to April 11, 1991, shall  
 25 expire on June 30, 1995, and such member shall represent district 7  
 26 after April 11, 1991. The term of the member serving from district  
 27 6 prior to April 11, 1991, shall expire on June 30, 1991. The term  
 1 of the member serving from district 7 shall expire on June 30,  
 2 1994, and such member shall represent district 6 after April 11,  
 3 1991. The term of the member serving from district 3 prior to  
 4 April 11, 1991, shall expire on June 30, 1992. The term of the  
 5 member serving from district 2 prior to April 11, 1991, shall  
 6 expire on June 30, 1993. The member serving former district 1 will  
 7 assume the role of serving new district 1 and his or her term shall  
 8 expire on June 30, 2005. The member serving former district 2 will  
 9 assume the role of serving new district 2 and his or her term shall  
 10 expire on June 30, 2004. The term of the member serving district 3  
 11 shall expire on June 30, 2003. The term of the member serving  
 12 district 4 shall expire on June 30, 2002. The term of the member  
 13 servicing district 5 shall expire on June 30, 2006. The member  
 14 servicing former district 6 will assume the role of serving new  
 15 district 6 and his or her term shall expire on June 30, 2005. The  
 16 member serving former district 7 will assume the role of serving  
 17 new district 7 and his or her term shall expire on June 30, 2006.  
 18 As the terms of office of the appointees expire, members serving on  
 19 the effective date of this act expire as provided in this section,  
 20 their successors shall be appointed to serve for terms of five  
 21 years and until their successors are appointed and qualified.  
 22 Terms of office shall commence on July 1. A member appointed to  
 23 fill a vacancy, occurring before the expiration of the term of a  
 24 member separated from the board for any cause, shall be appointed  
 25 for the remainder of the term of the member whose office has been  
 26 so vacated in the same manner as his or her predecessor.  
 27 Sec. 3. Original sections 2-2304 and 2-2305, Reissue  
 1 Revised Statutes of Nebraska, are repealed.  
 2 Sec. 4. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law."

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 279.** Introduced by Kremer, 34.

WHEREAS, the Hampton Lady Hawks' volleyball team is the 2001 Class D-2 state volleyball champion; and

WHEREAS, this was the Lady Hawks' second straight state volleyball championship; and

WHEREAS, the Lady Hawks have won forty-eight consecutive matches, which is the longest volleyball winning streak in the state; and

WHEREAS, the Hampton Lady Hawks' 2001 volleyball team exemplifies dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, Coach Diane Torson and her assistant coaches displayed and provided effective guidance and leadership throughout the season.

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

1. That the Legislature recognizes and congratulates the Hampton Lady Hawks' 2001 volleyball team and the coaches, parents, and supporters.
2. That a copy of this resolution be sent to Hampton High School.

Laid over.

**LEGISLATIVE RESOLUTION 280.** Introduced by Kremer, 34.

WHEREAS, the Aurora Lady Huskies' volleyball team is the 2001 Class B state champion; and

WHEREAS, this was the first time in the school's history the Aurora Lady Huskies have won the state volleyball championship; and

WHEREAS, this win gave the Aurora Lady Huskies' head volleyball coach Lana Wilken her first-ever state title after twenty-nine years of coaching; and

WHEREAS, the members of the Aurora Lady Huskies' 2001 volleyball team are positive role models for young athletes in the community because of the support by their coaches, teachers, administrators, and parents; and

WHEREAS, Coach Lana Wilken and her assistant coaches displayed and provided effective guidance and leadership throughout the season.

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

1. That the Legislature recognizes and congratulates the Aurora Lady Huskies' 2001 volleyball team and their coaches, parents, and supporters.
2. That a copy of this resolution be sent to Aurora High School.

Laid over.

**LEGISLATIVE RESOLUTION 281.** Introduced by Smith, 48.

WHEREAS, the 2001-02 Gering High School Mock Trial team won the 2001 Nebraska High School Mock Trial competition; and

WHEREAS, the 2001-02 Gering High School Mock Trial team members, seniors Keaton Green, Shaun Robison, Zach Stoltenberg, and Megan Zimmerman, juniors Joe Manasek, Andy Stobel, and Zach Wentz, and sophomore Meagan Bauer, and coaches Mary Winn, Matt Salomon, and attorney Bell Island, spent many hours since the beginning of the school year preparing for the competition; and

WHEREAS, the 2001-02 Gering High School Mock Trial team will go to St. Paul, Minnesota, for the May 9-12 Mock Trial competition in that city.

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

1. That the Legislature congratulates the 2001-02 Gering High School Mock Trial team and their coaches on winning the 2001 Nebraska Mock Trial competition.

2. That a copy of this resolution be sent to the 2001 Gering High School Mock Trial team and coaches.

Laid over.

**LEGISLATIVE RESOLUTION 282CA.** Introduced by Coordsen, 32.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 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. The Legislature may authorize games of chance, lotteries, and gift enterprises as provided in this section.~~

(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, the proceeds of which may be used only for charitable or community betterment purposes, for civic benefit, for tax relief, for job creation and economic development, or for the promotion of agriculture. 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 and to require the proceeds to be used for charitable or community betterment purposes, civic benefit, tax relief, job creation and economic development, or the promotion of agriculture.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 283CA.** Introduced by Jones, 43; Baker, 44; Bromm, 23; Cunningham, 18; Dierks, 40; Erdman, 47; Stuhr, 24; Vrtiska, 1.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 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 6:

III-6 "The Legislature shall consist of not more than ~~forty~~ fifty-five members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided 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 authorize the Legislature to increase the number of members of the Legislature.

For

Against".

Referred to the Reference Committee.

## STANDING COMMITTEE REPORTS

### General Affairs

**LEGISLATIVE RESOLUTION 6CA.** Placed on General File.

**LEGISLATIVE BILL 338.** Indefinitely postponed.

**LEGISLATIVE BILL 571.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

## SPECIAL COMMITTEE REPORT

### Executive Board

**LEGISLATIVE RESOLUTION 16CA.** Placed on General File as

amended.

Special Committee amendment to LR 16CA:

AM2288

- 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 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 ~~where~~ when 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~~ 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, section 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 Ethics and  
15 Compensation Review Commission. The members of the commission  
16 shall be appointed by the Governor. There shall be two members  
17 appointed from each congressional district and three members from  
18 the state at large. Members of the commission shall serve for  
19 terms of six years, except that of the members initially appointed,  
20 one from each of the congressional districts and one of the  
21 at-large members shall be appointed for terms of two years. No  
22 more than five members of the commission may belong to the same  
23 political party at any one time, and no elected official or  
24 employee of the state or any political subdivision or registered  
25 lobbyist may serve as a member. The term of an existing member  
26 shall terminate on the date a new member is appointed. A member  
27 may serve no more than two terms on the commission and shall  
1 receive no compensation for the performance of his or her duties  
2 but may be reimbursed for actual and necessary expenses.

3 (2) The Ethics and Compensation Review Commission shall  
4 prepare and present to the Legislature prior to November 1, 2005, a  
5 recommended legislative code of ethics which may be adopted by the  
6 Legislature. The code of ethics shall include procedures for  
7 implementing such code. Three years after the initial adoption of  
8 the recommended code of ethics, the Legislature may modify the code  
9 of ethics as it deems necessary or advisable to effectuate Article  
10 III, sections 10 and 16, of this Constitution. The Legislature  
11 shall maintain a code of ethics in its permanent rules.

12 (3) After the Ethics and Compensation Review Commission  
13 has presented a code of ethics to the Legislature and a code of  
14 ethics has been adopted as recommended as part of the Legislature's  
15 permanent rules, the commission shall review compensation for  
16 members of the Legislature and submit a report to the Governor and  
17 the Legislature recommending any adjustment to such compensation

18 the commission deems appropriate. The Legislature may by  
 19 legislative bill approve, disapprove, or reduce the recommended  
 20 adjustment but may not increase the recommended adjustment.  
 21 Adjustments shall not become effective until so approved by the  
 22 Legislature, and when so approved shall become effective three  
 23 calendar months following the end of the legislative session in  
 24 which the adjustments were approved. The commission shall review  
 25 and submit a report recommending any adjustment to compensation  
 26 every fourth year and shall review and submit a recommendation with  
 27 respect to changes in the legislative code of ethics every fourth  
 1 year after the submission of the original recommendation."  
 2 Sec. 2. The proposed amendment shall be submitted to the  
 3 electors in the manner prescribed by the Constitution of Nebraska,  
 4 Article XVI, section 1, with the following ballot language:  
 5 "A constitutional amendment to create the Ethics and  
 6 Compensation Review Commission, to change provisions  
 7 relating to compensation for members of the Legislature,  
 8 and to provide for the adoption of a legislative code of  
 9 ethics.  
 10 For  
 11 Against".  
 12 2. On page 1, line 2, strike "FIRST" and insert  
 13 "SECOND".

(Signed) George Coordsen, Chairperson

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 278.

### **VISITORS**

Visitors to the Chamber were C. J. Bessey and Lynnette McCulloh from Elkhorn and Lisa Botkin from Omaha.

### **RECESS**

At 12:00 p.m., on a motion by Senator Connealy, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Brashear, Byars, Coordsen, Dierks, McDonald, Raikes, Robak, Schimek, Suttle, and Wickersham who were excused until they arrive.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1070.** Introduced by Redfield, 12; Bruning, 3; Coordsen, 32; Erdman, 47.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-114.03, Reissue Revised Statutes of Nebraska; to provide an alternative method for a public entity to provide a required report to the Legislature; and to repeal the original section.

**LEGISLATIVE BILL 1071.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-537 to 76-539, 76-543, 76-545, and 76-547, Reissue Revised Statutes of Nebraska, and section 76-542, Revised Statutes Supplement, 2000; to define terms; to require residency as prescribed; to change provisions relating to fees; to authorize duplicate certificates of registration; to prohibit certain acts by inactive abstracters; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1072.** 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, 2000; to change fund use and administration procedures; and to repeal the original section.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 284.** Introduced by Foley, 29.

WHEREAS, Mr. Edward J. Neville has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Edward J. Neville is a member of the Boy Scout Troop 49 of the Cornhusker Council; and

WHEREAS, in achieving this rank, Edward J. Neville advanced through five ranks and earned, at minimum, twenty-one merit badges, including twelve which were required; and

WHEREAS, for his Eagle Scout project, Edward J. Neville renovated a horeshoe court in the Tierra neighborhood for renewed use by the community, especially the elderly; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Edward J. Neville 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 Edward J. Neville on Sunday, January 27, 2002, at which time Mr. Neville will be presented with the Eagle Scout Badge.

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

1. That the Legislature commends Edward J. Neville for his dedication, perseverance, and hard work in obtaining this distinguished rank.
2. That a copy of this resolution be sent to Edward J. Neville.

Laid over.

### **MOTION - Adopt Permanent Rules**

The Chambers pending motion, found in this day's Journal, to recommit proposed rules change to the Rules Committee, was renewed.

Senator Hudkins 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 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 his motion to recommit to committee.

Voting in the affirmative, 7:

Bourne	Brashear	Connealy	Landis	Raikes
Schimek	Wickersham			

Voting in the negative, 37:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hudkins	Janssen	Jensen	Jones	Kremer
Kruse	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Redfield	Robak	Schrock
Smith	Stuhr	Synowiecki	Thompson	Tyson
Vrtiska	Wehrbein			

Present and not voting, 3:

Chambers	Kristensen	McDonald
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Excused and not voting, 2:

Coordsen	Suttle
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The Chambers motion to recommit failed with 7 ayes, 37 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider his motion to recommit proposed rules change.

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 Chambers requested a roll call vote on his motion to reconsider his motion to recommit.

The Chambers motion to reconsider failed with 4 ayes, 34 nays, 9 present and not voting, and 2 excused and not voting.

Senator Chambers moved to bracket proposed rules change until January 22, 2002.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Bromm raised a point of order on whether Rule 6, Sec. 3(e) applies to matters other than legislative bills.

The Chair ruled that Rule 7, Sec. 6, which deals with the motion to postpone to a time certain, applies to not only bills but other propositions as well.

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 29 ayes, 0 nays, and 20 not voting.

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

Voting in the affirmative, 6:

Bourne	Connealy	Landis	Raikes	Schimek
Wickersham				

Voting in the negative, 32:

Baker	Beutler	Bromm	Bruning	Burling
Byars	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hudkins	Jensen	Jones
Kremer	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Redfield	Schrock
Smith	Stuhr	Synowiecki	Thompson	Tyson
Vrtiska	Wehrbein			

Present and not voting, 8:

Aguilar	Brown	Chambers	Cudaback	Hartnett
Janssen	Kristensen	McDonald		

Excused and not voting, 3:

Brashear	Robak	Suttle
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The Chambers motion to bracket failed with 6 ayes, 32 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Landis and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to reconsider his motion to bracket.

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

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

The Chambers motion to reconsider failed with 3 ayes, 29 nays, 11 present and not voting, and 6 excused and not voting.

Senator Hudkins renewed her pending motion, found on page 162, to suspend all pertinent rules and vote immediately upon the adoption of the first Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate.

Senator Beutler moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Beutler requested a roll call vote on the Hudkins motion to suspend the rules.

Voting in the affirmative, 34:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Maxwell
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Redfield	Schrock	Smith	Stuhr	Synowiecki
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 11:



Bourne	Brashear	Chambers	Connealy	Coordsen
Cudaback	Landis	McDonald	Raikes	Schimek
Wickersham				

Present and not voting, 2:

Brown	Kristensen
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Excused and not voting, 2:

Robak	Suttle
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The Hudkins motion to suspend the rules prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the Rules Committee proposed rules change, Committee Proposal #1.

Voting in the affirmative, 35:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Schrock	Smith	Stuhr
Synowiecki	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 11:

Bourne	Brashear	Chambers	Connealy	Coordsen
Cudaback	Landis	McDonald	Raikes	Schimek
Wickersham				

Present and not voting, 1:

Kristensen

Excused and not voting, 2:

Robak	Suttle
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The Rules Committee proposed rules change, Committee Proposal #1, was adopted with 35 ayes, 11 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1073.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,267 and 60-6,268, Revised Statutes Supplement, 2000; to change provisions and penalties relating to occupant protection systems; to create a fund; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1074.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,120.01, Revised Statutes Supplement, 2001; to change provisions relating to provisional operators' permits; and to repeal the original section.

**LEGISLATIVE BILL 1075.** Introduced by Tyson, 19; Robak, 22.

A BILL FOR AN ACT relating to firearm ranges; to define terms; and to provide for owner liability and immunity as prescribed.

**LEGISLATIVE BILL 1076.** Introduced by Tyson, 19.

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, 2000; to require checks for certain license applicants as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 1077.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend section 81-3442, Reissue Revised Statutes of Nebraska; to change penalty provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1078.** Introduced by Tyson, 19.

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 1079.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to schools; to amend section 79-1018.01, Revised Statutes Supplement, 2001, and section 9-812, Revised Statutes

Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to provide for tuition reimbursement; to provide for funding; to eliminate the Excellence in Education Council, quality education incentive payments, and funding for programs for learners with high ability; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-758 and 79-1108, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 1080.** Introduced by Stuhr, 24; Baker, 44; Cunningham, 18; Hudkins, 21; Price, 26; Quandahl, 31; Schrock, 38.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1420, 28-1421, 28-1423 to 28-1427, 28-1429.02, and 59-1516, Reissue Revised Statutes of Nebraska, section 28-1422, Revised Statutes supplement, 2000, and section 59-1523, Revised Statutes Supplement, 2001; to define terms; to change provisions relating to minors; to provide duties for licensees; to provide a penalty for manufacturing false identification; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1081.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

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, 2000; to authorize issuance of undercover license plates and operators' licenses to federal law enforcement agencies; and to repeal the original sections.

**LEGISLATIVE BILL 1082.** Introduced by Landis, 46; Beutler, 28; Price, 26; Schimek, 27.

A BILL FOR AN ACT relating to schools; to require adoption of a bullying policy.

**LEGISLATIVE BILL 1083.** Introduced by Landis, 46; Price, 26; Schimek, 27.

A BILL FOR AN ACT relating to children; to amend section 28-101, Revised Statutes Supplement, 2000; to prohibit certain acts relating to firearms; to require schools to adopt a bullying policy; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1084.** Introduced by Connealy, 16; Bourne, 8; Cunningham, 18.

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 1085.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1327, Revised Statutes Supplement, 2001; to change duties of the Property Tax Administrator; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1086.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public accountability and disclosure; to amend section 49-14,101.01, Revised Statutes Supplement, 2001; to prohibit accepting certain gifts by public officials or family members; and to repeal the original section.

**LEGISLATIVE BILL 1087.** Introduced by Tyson, 19; Dierks, 40.

A BILL FOR AN ACT relating to libraries; to amend section 77-3442, Revised Statutes Supplement, 2001; to authorize issuance of bonds for technology equipment and services; to provide an exemption from levy limitations; and to repeal the original section.

### AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 185:  
AM2304

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) No Class I railroad company shall allow
- 4 the operation of any freight train or locomotive in over-the-road
- 5 movements in this state unless the freight train or locomotive has
- 6 a crew of at least two railroad company employees.
- 7 (2) For purposes of sections 1 to 3 of this act:
- 8 (a) Class I has the same meaning as in 49 C.F.R. 1201, as
- 9 such regulation existed on the effective date of this act;
- 10 (b) Over-the-road movements means the transport of
- 11 locomotives attached to freight cars or other locomotives and does
- 12 not include hostler and helper movements or mechanical or
- 13 incidental movements of less than one hundred feet; and
- 14 (c) Railroad company means any individual, partnership,
- 15 firm, limited liability company, corporation, company, society, or
- 16 association managing, maintaining, operating, or in possession of a
- 17 railroad in whole or in part within this state whether as owner or
- 18 contractor. The term also includes any form of nonhighway ground
- 19 transportation that runs on rails or electromagnetic guideways and
- 20 any entity providing such transportation.

21 Sec. 2. Section 1 of this act does not apply to the  
 22 extent that it conflicts with or is inconsistent with a directive  
 23 of the United States Congress.

24 Sec. 3. Any person, railroad company, or railroad  
 1 company employee who violates section 1 of this act is subject to a  
 2 first offense fine of not less than one hundred dollars, a second  
 3 offense fine of not less than two hundred fifty dollars, and a  
 4 third offense fine of five hundred dollars. All fines shall apply  
 5 to each freight train or locomotive operated on each day of  
 6 operation in this state, shall be enforced by the Public Service  
 7 Commission, and shall be remitted to the State Treasurer for credit  
 8 to the permanent school fund.

9 Sec. 4. If any section in this act or any part of any  
 10 section is declared invalid or unconstitutional, the declaration  
 11 shall not affect the validity or constitutionality of the remaining  
 12 portions."

Senator D. Pederson filed the following amendment to LB 185:  
 AM2305

(Amendments to Standing Committee amendments, AM0789)

1 1. Strike section 1 and insert the following new  
 2 section:  
 3 "Section 1. (1) No Class I railroad company shall allow  
 4 the operation of any freight train or locomotive in over-the-road  
 5 movements in this state unless the freight train or locomotive has  
 6 a crew of at least two railroad company employees.  
 7 (2) For purposes of sections 1 to 3 of this act:  
 8 (a) Class I has the same meaning as in 49 C.F.R. 1201, as  
 9 such regulation existed on the effective date of this act;  
 10 (b) Over-the-road movements means the transport of  
 11 locomotives attached to freight cars or other locomotives and does  
 12 not include hostler and helper movements or mechanical or  
 13 incidental movements of less than one hundred feet; and  
 14 (c) Railroad company means any individual, partnership,  
 15 firm, limited liability company, corporation, company, society, or  
 16 association managing, maintaining, operating, or in possession of a  
 17 railroad in whole or in part within this state whether as owner or  
 18 contractor. The term also includes any form of nonhighway ground  
 19 transportation that runs on rails or electromagnetic guideways and  
 20 any entity providing such transportation."

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Cunningham asked unanimous consent to have his name added as  
 cointroducer to LB 490. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as  
 cointroducer to LB 866. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 976 . No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 79. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 1022, LB 1023, and LB 1024. No objections. So ordered.

### **WITHDRAW - Cointroducers**

Senators Smith and Erdman withdrew their names as cointroducers to LB 600.

Senator Bruning withdrew his name as cointroducer to LB 993 and LB 1004.

### **VISITORS**

Visitors to the Chamber were Tribal Representatives from the four Nebraska tribes: Omaha, Winnebago, Ponca, and Santee Sioux.

### **ADJOURNMENT**

At 4:09 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, January 15, 2002.

Patrick J. O'Donnell  
Clerk of the Legislature