

FIFTH DAY - JANUARY 15, 2002
LEGISLATIVE JOURNAL
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, January 15, 2002

PRAYER

The prayer was offered by Pastor David Patterson, Malcolm United Methodist Church, Malcolm, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senator Suttle who was excused; and Senators Chambers, Dierks, Landis, Maxwell, Schrock, Tyson, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARINGS

Education
 Room 1525

LB 987	Tuesday, January 22, 2002	2:10 PM
LB 955	Tuesday, January 22, 2002	2:10 PM

(Signed) Ron Raikes, Chairperson

Banking, Commerce and Insurance
 Room 1507

LB 863	Tuesday, January 22, 2002	1:30 PM
LB 864	Tuesday, January 22, 2002	1:30 PM
LB 871	Tuesday, January 22, 2002	1:30 PM
LB 900	Tuesday, January 22, 2002	1:30 PM
LB 962	Tuesday, January 22, 2002	1:30 PM

(Signed) David M. Landis, Chairperson

Transportation and Telecommunications
Room 1113

LB 904	Tuesday, January 22, 2002	1:30 PM
LB 917	Tuesday, January 22, 2002	1:30 PM
LB 918	Tuesday, January 22, 2002	1:30 PM
LB 972	Tuesday, January 22, 2002	1:30 PM
LB 997	Tuesday, January 22, 2002	1:30 PM

(Signed) Curt Bromm, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on Rules Committee proposal #1.

(Signed) Jennie Robak

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1088. Introduced by Landis, 46.

A BILL FOR AN ACT relating to state identification cards; to amend section 60-4,115, Revised Statutes Supplement, 2001; to change fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1089. Introduced by Landis, 46.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-157, 8-345.02, 8-1507, 8-1516, 8-2104, and 81-1298, Reissue Revised Statutes of Nebraska, sections 8-101, 8-157.01, 8-183.05, 8-234, 8-602, and 8-910, Revised Statutes Supplement, 2000, and section 8-355, Revised Statutes Supplement, 2001; to eliminate certain branch banking restrictions as prescribed; to change provisions relating to bank holding companies; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-1515, Reissue Revised Statutes of Nebraska.

MOTION - Adopt Permanent Rules

Senator Hudkins renewed her pending motion, found on page 187, to adopt the permanent rules for the Ninety-Seventh Legislature, Second Session.

The Rules Committee renewed the proposed rules change, Committee Proposal #2, found on pages 160, 161, and 162.

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

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

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

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1090. Introduced by Bourne, 8; Quandahl, 31.

A BILL FOR AN ACT relating to public funds; to amend section 77-2365.01, Revised Statutes Supplement, 2001; to authorize credit unions to receive deposits of funds of political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 1091. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-911, Reissue Revised Statutes of Nebraska; to change provisions relating to abuse of public records; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1527, 44-1994, 44-2127, 44-2845, 44-32,161, 44-4834, 44-4842, 44-4859, 44-5120, 44-5260, 44-5261, 44-5601, 44-5603, 44-5814, 44-5815, and 44-6916, Reissue Revised Statutes of Nebraska, sections 44-787, 44-19,116, 44-5223, 44-5225, 44-5246.02, 44-5504, 44-6901, 44-6915, 44-6918, 44-7505, 44-7509, 44-7510, 44-7511, 44-7513, and 44-7515, Revised Statutes Supplement, 2000, and section 44-5503, Revised Statutes Supplement, 2001; to change provisions relating to investigations, settlement accounts, mergers, medical review panels, priority of claims, bonding requirements, securities, the Small Employer Health Insurance Availability Act, filing requirements, reinsurance, group health plans, and rates and forms; to require certification of coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1093. Introduced by Stuhr, 24; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-189, 83-190, 83-192, 83-1,101, 83-1,135, 83-932, and 83-933, Reissue Revised Statutes of Nebraska; to change and

transfer provisions relating to the Board of Parole, the Office of Parole Administration, and the Department of Correctional Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-102, 8-103, 8-116, 8-122, 8-157, 8-601, 8-815, 8-1511, 21-1335, 21-1755, 21-17,131, 62-301, 64-212, 64-213, and 77-3801, Reissue Revised Statutes of Nebraska, and sections 8-602 and 28-612, Revised Statutes Supplement, 2000; to eliminate cooperative credit associations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-103.01, 8-117, 8-117.01, 8-122.01, and 21-1308 to 21-1332, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1095. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1020, Revised Statutes Supplement, 2001; to change provisions relating to medical assistance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1096. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4301, 71-4302, and 71-4305, Reissue Revised Statutes of Nebraska; to change provisions relating to regulation of swimming pools; and to repeal the original sections.

LEGISLATIVE BILL 1097. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 and 13-519, Revised Statutes Supplement, 2001; to change budget limitation provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1098. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Revised Statutes Supplement, 2000; to change information on and duties relating to tax statements; and to repeal the original section.

LEGISLATIVE BILL 1099. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-520 and 79-1029, Revised Statutes Supplement, 2000, and sections 13-519 and 79-1028, Revised Statutes Supplement, 2001; to change

budget limitations as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

PRESIDENT HEINEMAN PRESIDING

MOTION - Escort Governor

Senator Cudaback moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Brashear, Coordsen, Jones, Robak, and Thompson to serve on said committee.

STATE OF THE STATE ADDRESS

*"Working together, we can continue to make Nebraska,
already a great state, even better."*

- Mike Johanns, Governor

Mr. President, Mr. Speaker, Members of the Legislature, distinguished guests, friends, and fellow Nebraskans:

Much has changed since I delivered my last state of the state address.

A year ago, I set forth a broad and aggressive agenda to meet the needs of our citizens, address challenges confronting Nebraska, and fulfill our responsibility to move our state forward. That agenda was met with great success due in large part to our partnership and joint efforts in so many areas and I want to applaud the Legislature for its good work.

Among the initiatives approved by this Legislature and signed into law were the Invest Nebraska Act, the Ethanol Development Act, the Nebraska Health Care Funding Act, and Early Childhood Initiative legislation.

Since the conclusion of the 2001 legislative session, we have witnessed the fruits of our labors.

The Invest Nebraska Act has already spurred job creation and capital investment across our state. Union Pacific announced they will move 700 good-paying jobs from Missouri to Nebraska and build a \$200 million dollar plus headquarters in downtown Omaha. That announcement was followed by three others including 600 new good-paying jobs and over \$40 million dollars of investment for a Wal-Mart distribution center in North Platte, 25 new good-paying jobs and over \$10 million dollars of investment at American Meter in Nebraska City, and 25 new good-paying jobs and over \$10 million dollars of investment by BPI in South Sioux City.

That's good news for Nebraska workers and Nebraska families.

The Ethanol Development Act has stimulated unprecedented interest from Nebraska's agricultural community and other investors in ethanol production. Because of this legislation, and President Bush's decision to deny California's request for a waiver of the Clean Air standards, the prospects for ethanol expansion in Nebraska are greater today than they have ever been. For example, there are currently 12 new ethanol plants proposed in the state and existing plants are expanding at an unprecedented rate. These new investments will bring with them jobs for Nebraska workers, increased demand for Nebraska grain, and additional value to Nebraska's agricultural sector.

That's good news for Nebraska agriculture producers.

Nebraska has wisely used its proceeds from the national tobacco settlement for health-related purposes. Dollars have been divided among mental health and substance abuse services and treatment, minority health, developmental disabilities, respite care, biomedical research, and public health grants. Already, five new multi-county health departments covering nineteen counties that previously had no county health department have been established thanks to public health grants. These new departments will help identify health needs and develop solutions to meet those needs. More counties are expected to unite and form departments over the next few months. These developments are a major step forward for public health in the state. Nebraska has been cited by the federal Centers for Disease Control as a state that has made great strides in building its public health capacity.

Minority health has been boosted with \$1 million given to the Charles Drew Health Center and the Indian Chicano Center to eliminate health disparities among racial and ethnic minority groups. Three satellite offices of minority health are under development in Omaha, Scottsbluff and one in central Nebraska. These offices will enable us to reach out to more members of racial and ethnic minorities with public health services.

The blossoming of county health departments and the boost for minority health are but two examples of the many wonderful stories that will be told about the benefits of dedicating tobacco settlement dollars to Nebraska's health care needs. That indeed is very good news for the health and wellbeing of all Nebraskans.

Just last week the national publication Education Week praised our state's commitment to early childhood efforts.

The three initiatives singled out were the business child care tax credit which will be available beginning in 2003, a significant boost in funding for Early Childhood Projects which is a grant program that helps communities set up collaborative child care programs, and a scholarship program for

child care providers who pursue training in early childhood development.

These programs and our state's commitment to early childhood education and development initiatives are great news for children and families.

These are some of the success stories of 2001.

However, the successes of this past year have been overshadowed by national and international events.

Today our nation is in the midst of a recession. We know about the painful loss of tens of thousands of jobs across America including many here in Nebraska and we know about how the fall of the stock market has impacted the savings and pensions of millions of Americans and many thousands of Nebraskans.

It is no consolation to those who have been personally impacted by the economic downturn, but the fact remains that Nebraska's economy is in better shape than most states. Our economy continues to grow as evidenced by climbing state tax receipts, albeit at a slower pace than before the national recession. This stands in contrast to some states where the economy is actually contracting and tax receipts are sliding backward.

Besides the recession, 2001 will be forever remembered for the events of September 11th.

Even today we mourn the loss of thousands of Americans to senseless terrorism and we remain steadfast in our resolve to support the war on terror.

The jolt to our nation's and, to a lesser extent, our state's economy following September 11th left no doubt about the need to pull back on state government spending and restructure the budget.

In October, I called this Legislature into special session and presented a plan to adjust the budget. In a period of just nine working days you convened, rolled up your sleeves, got down to business, and approved a budget reduction package totaling \$171 million dollars. You adjourned knowing that there was work left to be done but with the satisfaction that agreement had been reached on a package addressing much of the state's projected \$220 million dollar tax receipt shortfall.

That brings us to today.

This morning I am introducing budget measures to address the \$30 million dollars in deficit requests received from agencies and to account for a portion of our remaining \$50 million dollar revenue shortfall.

As you recall from the special session, I suggested four principles to guide

our action in addressing our state's budget shortfall. They included: no tax increase; protect priorities including state aid to schools, Medicaid, public assistance, and public safety from across the board reductions; keep the cash reserve untouched; and, address most of the budget shortfall in the special session.

Today, I submit a partial budget modification framework that remains true to those four principles.

Through sound management practices, re-allocation of resources, and prudent program changes, these budget adjustments remedy almost half of the \$50 million dollar shortfall. And just as I promised you last Fall, before determining what other budget actions are necessary, we will responsibly wait until the state's economic forecasters provide us with an updated fiscal assessment in February.

However, I remain committed to solving the problem on the spending side of the ledger and not through tax increases that take from the pocketbooks of Nebraska's working families.

Fiscal issues will limit consideration of major new spending initiatives in this short legislative session but there is other work to be done including much-needed action on several criminal justice initiatives.

Over the last three years, we have scored success in the criminal justice and law enforcement arena by increasing the number of state patrol officers, settling a long-standing wage dispute with the state troopers association, criminalizing child enticement, increasing penalties for being an accessory to a felony, launching the state's sex offender registry, boosting law enforcement technology, and lengthening jail time for methamphetamine dealers.

Despite these successes, work remains to be done on other criminal justice priorities. This is the session to get the job done.

The issues I am asking you to act on include reform of post-conviction appeals, enactment of statutes to criminalize fetal homicide, changing our state's method of execution to lethal injection, making needed changes to the sex offender registry, and the conversion of carrier enforcement officers to state troopers.

I appreciate the controversy that some of these emotional issues may present. Sometimes the difficult issues are those issues that most compel our action.

Consider the legal chaos our state would face if the sentence in a capital case is jeopardized by a Supreme Court decision. Consider the issue of highway safety faced by motorists everyday because of too much turnover in the carrier enforcement division. Consider the federal funds Nebraska

will lose for not enhancing the sex offender registry or, more importantly, the threat posed by those offenders not required to register under our state's current system. Consider the possibility that another person at fault for the death of an unborn child due to a homicidal act will not be prosecuted. And consider the abuse of our criminal justice system by frivolous appeals when the defendant's guilt is not in question.

The need for reform of the post-conviction appeals process offers a good example of why these five priorities need to be addressed.

Let me describe a real example of how the system has worked for a person convicted of first degree murder fourteen years ago. This is not a death penalty case but rather a case where the defendant was sentenced to life in prison after being convicted in the late 1980's.

Two years later, his direct appeal from that conviction was heard and affirmed by the Nebraska Supreme Court. The Court specifically determined there was no reasonable doubt as to the defendant's guilt of committing the homicide.

Since the Nebraska Supreme Court's consideration of that direct appeal, the defendant has sought statutory post-conviction relief on four separate occasions. None of the post-conviction petitions were based upon claims of newly discovered evidence. None of this litigation has produced a single finding that the defendant was entitled to post-conviction relief.

This case has now consumed the time and resources of the local county attorney's office and the district court in question on five separate occasions, and the time and resources of the Nebraska Attorney General's Office and the Nebraska Supreme Court on four separate occasions. Of course, this abuse of resources pales in comparison to the emotional toll from the lack of finality that continues for victims and their loved ones.

This story reflects a broken system that this Legislature has a responsibility to fix.

For a justice system to be fair, it must be fair to the defendant. Someone who can be exonerated by new evidence must have the opportunity to bring that evidence forward. But as this case clearly illustrates, the system is being abused by needless, frivolous appeals that cost taxpayers thousands of dollars. And so for a justice system to be fair, it must also be fair to victims, to the friends and families of victims, and to the people who support the system by paying for the system.

That is the balance that must be struck, and, ladies and gentlemen, I offer that today our system is out of balance. This Legislature has a responsibility to rebalance the system.

Besides criminal justice matters, the area of juvenile justice reform

continues to be a priority. In each year of my administration, I have proposed improvements to the state's juvenile justice system including significant initiatives in each of the last two years.

A year ago, we worked together to increase the number of beds dedicated solely to substance abuse treatment at the Hastings Regional Center from thirty to forty. We also provided \$4 million dollars in new annual funding directly to counties for the development of community-based programs for juveniles. A specific goal of the legislation was to develop new capacity for juvenile services at the local level thereby providing alternatives to the courts in sentencing juvenile delinquents, other than commitments, to the State's Kearney and Geneva YRTCs.

This year I am proposing four initiatives to alleviate overcrowding at the Youth Rehabilitation and Treatment Center in Kearney. They include the addition of a ten-bed secure facility contract to provide treatment to juveniles requiring a higher level of security than the staff secure environment at Kearney, a ten-bed program for juveniles who have been identified as having serious sexual perpetration issues, and a ten-bed step-down program that transitions youth back into community life. Finally, and, most importantly, up to thirty additional youth security staff will be added to improve the existing youth to staff ratio and to eliminate the practice of peer take-downs.

These actions will, in turn, allow for a more appropriate length of stay for those youth remaining on the main campus of Kearney. All of these initiatives will also dramatically expand the array of services that are available to the State for treatment and rehabilitation for those youth committed to YRTC-Kearney.

Together we have made progress in reforming our state's juvenile justice system and this year we need to take another step forward.

Over the last three years, I have traveled to all 93 counties at least twice to meet with Nebraskans in their communities, listen to their concerns, and work with them to solve the challenges they face and celebrate their successes. I can tell you that the spirit of Nebraskans is alive. Nebraskans do believe the best days are ahead of us and I share that optimism and confidence about our future.

Working together, we can continue to make Nebraska, already a great state, even better.

Thank you, God bless you, God bless Nebraska, and God bless America.

The Committee escorted Governor Mike Johanns from the Chamber.

SENATOR CUDABACK PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1100. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 432A, section 2; Laws 2001, LB 539, section 9; Laws 2001, LB 542, sections 11 and 59; Laws 2001, LB 543, sections 60, 98, 99, 101, and 112; Laws 2001, LB 542, sections 38, 40, and 43, as amended by sections 16, 17, and 19, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; Laws 2001, LB 543, sections 31, 44, 53, 80, 95, 97, 105, 109, 110, 162, 168, 170, 171, 177, 232, 239, 242, 244, and 268, as amended by sections 42, 49, 53, 64, 69, 71, 74, 75, 76, 100, 104, 106, 107, 109, 141, 147, 149, 150, and 158, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; and section 18, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to define terms; to change certain appropriations as prescribed; to provide for deficit appropriations; to change certain transfers; to appropriate funds for the expenses of state government, postsecondary education, and state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1101. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend section 81-15,177, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Supplement, 2001; to authorize fund transfers; to appropriate funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1102. Introduced by Jones, 43.

A BILL FOR AN ACT relating to education; to amend sections 48-233, 79-846, and 79-847, Reissue Revised Statutes of Nebraska, section 79-851, Revised Statutes Supplement, 2000, and section 79-4,108, Revised Statutes Supplement, 2001; to eliminate provisions relating to tenure; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-824 to 79-842, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1103. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend section 81-15,159.02, Reissue Revised Statutes of Nebraska; to redefine terms relating to tires; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Vrtiska, 1; Janssen, 15; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Reissue Revised Statutes of Nebraska; to change provisions relating to the gallonage tax on beer; to repeal the original section; and to declare an emergency.

VISITORS

Visitors to the Chamber were Amy, Norma, Sean, and C. J. Patterson from Lincoln.

RECESS

At 10:24 a.m., on a motion by Speaker Kristensen, 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 Stuhr and Suttle who were excused; and Senators Coordsen, Cunningham, Dierks, Landis, Price, Robak, and Schrock who were excused until they arrive.

REFERENCE COMMITTEE REPORT

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

LB/LR	Committee
LB 985	Health and Human Services (rereferred)
LB 1050	Transportation and Telecommunications
LB 1053	Revenue
LB 1054	Government, Military and Veterans Affairs
LB 1055	Agriculture
LB 1056	Agriculture
LB 1057	Agriculture
LB 1058	Agriculture
LB 1059	Education
LB 1060	Revenue
LB 1061	Judiciary
LB 1062	Health and Human Services
LB 1063	Revenue
LB 1064	Revenue

LB 1065 Judiciary
 LB 1066 Natural Resources
 LB 1067 Judiciary
 LB 1068 General Affairs
 LB 1069 Transportation and Telecommunications
 LB 1070 Government, Military and Veterans Affairs
 LB 1071 Banking, Commerce and Insurance
 LB 1072 Education
 LB 1073 Transportation and Telecommunications
 LB 1074 Transportation and Telecommunications
 LB 1075 Judiciary
 LB 1076 Judiciary
 LB 1077 Health and Human Services
 LB 1078 Business and Labor
 LB 1079 Education
 LB 1080 Judiciary
 LB 1081 Transportation and Telecommunications
 LB 1082 Education
 LB 1083 Judiciary
 LB 1084 Government, Military and Veterans Affairs
 LB 1085 Revenue
 LB 1086 Government, Military and Veterans Affairs
 LB 1087 Revenue

 LR 282CA General Affairs
 LR 283CA Executive Board

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARING
Urban Affairs
 Room 1510

LB 970	Tuesday, January 22, 2002	1:30 PM
LB 973	Tuesday, January 22, 2002	1:30 PM
LB 984	Tuesday, January 22, 2002	1:30 PM

(Signed) D. Paul Hartnett, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1105. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to motor vehicle license plates; to amend

section 60-311.11, Revised Statutes Supplement, 2000; to provide for specialty license plates; to change provisions relating to message plates; and to repeal the original section.

LEGISLATIVE BILL 1106. Introduced by Landis, 46.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-509, Uniform Commercial Code; to change provisions relating to the filing of financing statements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1107. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-131, Revised Statutes Supplement, 2000; to change licensure requirements for medicine and surgery; and to repeal the original section.

LEGISLATIVE BILL 1108. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska; to change provisions relating to records which may be withheld from the public; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1109. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1912, 29-3001, 29-3004, and 29-3504, Reissue Revised Statutes of Nebraska, and section 29-2261, Revised Statutes Supplement, 2000; to change provisions relating to discovery and postconviction proceedings; to authorize the use and disclosure of presentence investigations and reports by the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to provide for fees; to redefine the term administration of criminal justice in the Security, Privacy, and Dissemination of Criminal History Information Act; and to repeal the original sections.

LEGISLATIVE BILL 1110. Introduced by Hartnett, 45; D. Pederson, 42.

A BILL FOR AN ACT relating to volunteer emergency responders; to amend sections 35-1303 and 35-1309, Revised Statutes Supplement, 2001; to redefine a term; to change a provision relating to service award benefit programs; to repeal the original sections; and to declare an emergency.

MOTION - Adopt Permanent Rules

The Chambers pending motion, found on page 211, to bracket proposed rules change until January 22, 2002, was renewed.

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

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Wehrbein 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 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 5:

Cudaback	Hartnett	Raikes	Schimek	Wickersham
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Voting in the negative, 27:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Connealy	Cunningham	Engel
Erdman	Foley	Hudkins	Janssen	Jensen
Jones	Kremer	Kruse	Pedersen, Dw.	Quandahl
Redfield	Robak	Schrock	Smith	Synowiecki
Thompson	Tyson			

Present and not voting, 9:

Bourne	Brashear	Brown	Chambers	Kristensen
Maxwell	McDonald	Pederson, D.	Preister	

Excused and not voting, 8:

Coordsen	Dierks	Landis	Price	Stuhr
Suttle	Vrtiska	Wehrbein		

The Chambers motion to bracket failed with 5 ayes, 27 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider his motion to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider.

Senator Beutler objected.

The Chambers motion to reconsider failed with 1 aye, 24 nays, 17 present and not voting, and 7 excused and not voting.

The Hudkins pending motion, found on page 162 and considered on page 211, to suspend all pertinent rules and vote immediately upon the adoption of the second Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate, was renewed.

Senator Beutler moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 32:

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

Voting in the negative, 7:

Bourne	Brashear	Cudaback	Hartnett	Raikes
Schimek	Wickersham			

Present and not voting, 4:

Brown	Chambers	Kristensen	Preister
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Excused and not voting, 6:

Coordsen	Landis	Price	Stuhr	Suttle
Wehrbein				

The Hudkins motion to suspend the rules prevailed with 32 ayes, 7 nays, 4 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the Rules Committee proposed rules change, Committee Proposal #2.

Voting in the affirmative, 33:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Connealy	Cunningham
Dierks	Engel	Erdman	Foley	Hudkins

Janssen	Jensen	Jones	Kremer	Kruse
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Quandahl
Redfield	Robak	Schrock	Smith	Synowiecki
Thompson	Tyson	Vrtiska		

Voting in the negative, 6:

Bourne	Chambers	Hartnett	Raikes	Schimek
Wickersham				

Present and not voting, 4:

Brashear	Cudaback	Kristensen	Preister
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Excused and not voting, 6:

Coorsden	Landis	Price	Stuhr	Suttle
Wehrbein				

The Rules Committee proposed rules change, Committee Proposal #2, was adopted with 33 ayes, 6 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Senator Beutler moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 36:

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

Voting in the negative, 6:

Bourne	Chambers	Hartnett	Raikes	Schimek
Wickersham				

Present and not voting, 2:

Cudaback	Kristensen
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Excused and not voting, 5:

Coordsen	Landis	Stuhr	Suttle	Wehrbein
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The Hudkins motion to suspend the rules prevailed with 36 ayes, 6 nays, 2 present and not voting, and 5 excused and not voting.

Senator Chambers requested a record vote on the motion to adopt the permanent rules, as amended.

Voting in the affirmative, 39:

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

Voting in the negative, 3:

Chambers	Schimek	Wickersham
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Present and not voting, 2:

Hartnett	Kristensen
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Excused and not voting, 5:

Coordsen	Landis	Stuhr	Suttle	Wehrbein
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The permanent rules, as amended, were adopted with 39 ayes, 3 nays, 2 present and not voting, and 5 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 1111. Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.02, 79-933.01, 81-2031.03, 81-2031.04, 84-1312, 84-1313, and 84-1322, Reissue Revised Statutes of Nebraska, sections 23-2308, 23-2320, 24-710.05, 24-710.06, 79-933.02, 79-960, and 79-963, Revised Statutes Supplement, 2000, and sections 23-2323.03, 79-902, and 84-1503, Revised Statutes Supplement, 2001; to change provisions relating to administrative fees, reemployment, compliance audits, and rollover distributions; to redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1112. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2001; to provide a reciprocal sales tax exemption for other states and political subdivisions; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1113. Introduced by Jones, 43; Burling, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1318.01, Revised Statutes Supplement, 2000; to change a property improvement reporting requirement; and to repeal the original section.

LEGISLATIVE BILL 1114. Introduced by Tyson, 19; Quandahl, 31.

A BILL FOR AN ACT relating to insurance; to require uniform prescription drug information cards for certain coverage.

LEGISLATIVE BILL 1115. Introduced by Aguilar, 35; Bourne, 8; Bruning, 3; Byars, 30; Connealy, 16; Cunningham, 18; Janssen, 15; Jensen, 20; McDonald, 41; Dw. Pedersen, 39; Quandahl, 31; Robak, 22; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to courts; to authorize drug court programs as prescribed.

LEGISLATIVE BILL 1116. Introduced by Smith, 48; Bruning, 3; Engel, 17; Foley, 29; Kruse, 13; Quandahl, 31.

A BILL FOR AN ACT relating to driving under the influence; to amend

sections 60-497.01, 60-6,196, 60-6,197, 60-6,197.01, and 60-6,206, Revised Statutes Supplement, 2001; to eliminate ignition interlock devices; to eliminate a power of the Board of Pardons; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-4,118.06, 60-6,211.05, and 83-1,127.02, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 1117. Introduced by Smith, 48; Bourne, 8; Bruning, 3; Erdman, 47; Hartnett, 45; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,123, Reissue Revised Statutes of Nebraska; to exempt certain members of the armed forces from income tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1118. Introduced by Smith, 48.

A BILL FOR AN ACT relating to insurance; to amend section 44-3904, Revised Statutes Supplement, 2000; to change continuing education provisions for licensees; and to repeal the original section.

LEGISLATIVE BILL 1119. Introduced by Smith, 48; Erdman, 47; Redfield, 12.

A BILL FOR AN ACT relating to tractor tests; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by Byars, 30.

A BILL FOR AN ACT relating to civil rights; to amend sections 13-1102, 20-113, 48-1001 to 48-1010, 48-1125, 48-1126, 48-1220 to 48-1227.01, 83-1201, and 83-1202.01, Reissue Revised Statutes of Nebraska, and section 83-1066, Revised Statutes Supplement, 2000; to waive state immunity for suits authorized by federal employment discrimination laws as prescribed; to name the Nebraska Equal Pay Act; to state policy relating to the use of community-based treatment for persons with mental disabilities; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1121. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2712, Revised Statutes Supplement, 2001; to provide duties for the Department of Revenue relating to multistate sales and use tax collection; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1122. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-2702.17, Reissue Revised Statutes of Nebraska, and sections 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 2000; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Agriculture
Room 1524

LB 912	Tuesday, January 22, 2002	1:30 PM
LB 915	Tuesday, January 22, 2002	1:30 PM
LB 916	Tuesday, January 22, 2002	1:30 PM
LB 914	Tuesday, January 29, 2002	1:30 PM
LB 919	Tuesday, January 29, 2002	1:30 PM
LB 961	Tuesday, January 29, 2002	1:30 PM

(Signed) Merton L. Dierks, Chairperson

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 462:
AM2310

- 1 1. On page 4, line 4, strike "or"; in line 5 after
- 2 "abortions" insert ", or (vi) use of human fetal tissue as a source
- 3 of lawful vaccines or medicines, whether by prescription or not"
- 4 and after "(b)" insert "except as provided in subdivision (a) of
- 5 this subdivision".

UNANIMOUS CONSENT - Add Cointroducers

Senators Kremer, Jones, Burling, Foley, and Baker asked unanimous consent to have their names added as cointroducers to LB 964. No objections. So ordered.

Senators Redfield and Erdman asked unanimous consent to have their names added as cointroducers to LB 1067. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 979. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 379, LB 687, and LB 952. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 962. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 895. No objections. So ordered.

Senator Kruse asked unanimous consent to have his name added as cointroducer to LB 1005. No objections. So ordered.

WITHDRAW - Cointroducers

Senator Baker withdrew his name as cointroducer to LB 600 and LB 1006.

Senator Bruning withdrew his name as cointroducer to LB 1006.

VISITORS

Visitors to the Chamber were Faye Schellpepper from Stanton; and Senator Tyson's granddaughter, Cora Wagner, from Lincoln.

ADJOURNMENT

At 4:13 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, January 16, 2002.

Patrick J. O'Donnell
Clerk of the Legislature