

THIRTY-SEVENTH DAY - MARCH 4, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 4, 2003

PRAYER

The prayer was offered by Pastor Troy Reynolds, First Church of Christ, Wayne, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bromm, Brown, Landis, and McDonald who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

LB 799	Friday, March 14, 2003	1:30 p.m.
LB 805	Friday, March 14, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

STANDING COMMITTEE REPORT
Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

State Colleges Board of Trustees
Willa Kosman
William Roskens

VOTE: Aye: Senators Schrock, McDonald, Raikes, Stuhr, Byars, and Maxwell. Nay: None. Absent: Senators Bourne and Brashear.

(Signed) Ron Raikes, Chairperson

MESSAGE FROM THE GOVERNOR

February 28, 2003

President, Speaker Bromm
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Senators:

Please withdraw George Morrissey's name from confirmation to the State Electrical Board, as he was previously confirmed.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

say/

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. The Standing Committee amendment, AM0298, found on page 621 and considered on page 693, lost with 0 ayes, 28 nays, 17 present and not voting, and 4 excused and not voting.

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

Senators Janssen, Schimek, Connealy, Schrock, Beutler, and Bourne offered the following amendment:

AM0656

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. At the general election in November 2004 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 "(1) Except as provided in this section, the
- 9 Legislature shall not authorize any game of chance or any lottery
- 10 or gift enterprise when the consideration for a chance to
- 11 participate involves the payment of money for the purchase of

12 property, services, or a chance or admission ticket or requires an
13 expenditure of substantial effort or time.

14 (2) The Legislature may authorize and regulate a state
15 lottery pursuant to subsection (3) of this section and other
16 lotteries, raffles, and gift enterprises which are intended solely
17 as business promotions or the proceeds of which are to be used
18 solely for charitable or community betterment purposes without
19 profit to the promoter of such lotteries, raffles, or gift
20 enterprises.

21 (3) The Legislature may establish a lottery to be
22 operated and regulated by the State of Nebraska. The proceeds of
23 the lottery shall be appropriated by the Legislature for the costs
24 of establishing and maintaining the lottery and for other purposes
1 as directed by the Legislature. No lottery game shall be conducted
2 as part of the lottery unless the type of game has been approved by
3 a majority of the members of the Legislature.

4 (4) Nothing in this section shall be construed to
5 prohibit (a) the enactment of laws providing for the licensing and
6 regulation of wagering on the results of horseraces, wherever run,
7 either within or outside of the state, by the parimutuel method,
8 when such wagering is conducted by licensees within a licensed
9 racetrack enclosure or (b) the enactment of laws providing for the
10 licensing and regulation of bingo games conducted by nonprofit
11 associations which have been in existence for a period of five
12 years immediately preceding the application for license, except
13 that bingo games cannot be conducted by agents or lessees of such
14 associations on a percentage basis.

15 (5)(a) For purposes of this subsection, gaming means any
16 game of chance played with cards, dice, equipment, or a machine for
17 money, credit, or any representative of value.

18 (b) Nothing in the Constitution of Nebraska shall be
19 construed to prohibit or restrict gaming operated by a federally
20 recognized Indian tribe in Nebraska when such gaming is conducted
21 in accordance with federal law.

22 (c) The Legislature may authorize gaming at up to eight
23 facilities in the State of Nebraska. The Legislature shall provide
24 for the operation, regulation, and taxation of gaming at such
25 facilities."

26 Sec. 2. The proposed amendment shall be submitted to the
27 electors in the manner prescribed by the Constitution of Nebraska,

1 Article XVI, section 1, with the following ballot language:

2 "A constitutional amendment to define gaming, to permit
3 gaming operated by Indian tribes, to provide authority
4 for the Legislature to authorize gaming at up to eight
5 facilities in the State of Nebraska, and to require the
6 Legislature to provide for the operation, regulation, and
7 taxation of gaming at such facilities.

8 For

9 Against".

Pending.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 417. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Revenue

LEGISLATIVE BILL 539. Placed on General File as amended.

Standing Committee amendment to LB 539:

AM0647

1 1. On page 2, strike the new matter in lines 12 through
2 14 and insert "Land that was in agricultural or horticultural use,
3 assessed under the special valuation provisions of section 77-1344,
4 and subsequently placed in a conservation easement which prevents
5 the land from conversion to a more intense use shall remain
6 agricultural or horticultural land eligible for special
7 valuation.".

(Signed) David Landis, Chairperson

MOTION - Print in Journal

Senator Combs filed the following motion to LR 40:

Withdraw LR 40.

RESOLUTION

LEGISLATIVE RESOLUTION 41. Introduced by Combs, 32.

WHEREAS, Mr. Richard Reinke, who turned eighty years old on June 16, 2002, passed away on February 27, 2003, leaving five children, Pat, Jennifer, Sandy, Russ, and Robert, his sixteen grandchildren, and his wife, Edna, to whom he has been married for fifty-five years; and

WHEREAS, Mr. Reinke founded the Reinke Manufacturing Company in 1954 in Deshler, Nebraska. The Reinke Manufacturing Company is one of the world's oldest and largest manufacturers of center pivot and lateral move irrigation systems; and

WHEREAS, Reinke Manufacturing Company also manufactures over-the-road trailer equipment, bridge beams, and shake shingles along with several other products; and

WHEREAS, Mr. Reinke and the employees of the Reinke Manufacturing Company have contributed greatly to the community of Deshler, Nebraska.

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

1. That the Legislature expresses its condolences to the Reinke family.
2. That a copy of this resolution be sent to the family of Richard Reinke.

Laid over.

ANNOUNCEMENTS

Senator Friend designates LB 148 as his priority bill.

The Revenue Committee designates LB 608 as its priority bill.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 273:
AM0649

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 "Section 1. (1) For purposes of this section:
- 4 (a) Reasonably suspects means a basis for reporting
- 5 knowledge or a set of facts that would lead a person of ordinary
- 6 care and prudence to believe and conscientiously entertain a strong
- 7 suspicion that criminal activity is at hand or that a crime has
- 8 been committed; and
- 9 (b) Employee means any employee of an agency relating to
- 10 a governmental child or adult protective services, animal control,
- 11 or animal abuse.
- 12 (2) Any employee, while acting in his or her professional
- 13 capacity or within the scope of his or her employment, who observes
- 14 or is involved in an incident which leads the employee to
- 15 reasonably suspect that an animal has been abandoned, cruelly
- 16 neglected, or cruelly mistreated shall report such to the entity or
- 17 entities that investigate such reports in that jurisdiction.
- 18 (3) The report shall be made within two working days of
- 19 acquiring the information concerning the animal by facsimile
- 20 transmission of a written report presented in the form described in
- 21 subsection (6) of this section or by telephone. When an immediate
- 22 response is necessary to protect the health and safety of the
- 23 animal or others, the report shall be made by telephone as soon as
- 24 possible.
- 1 (4) Nothing in this section shall be construed to impose
- 2 a duty to investigate observed or reasonably suspected animal
- 3 abandonment, cruel neglect, or cruel mistreatment. Any person
- 4 making a report under this section is immune from liability except
- 5 for false statements of fact made with malicious intent.
- 6 (5) Reports made pursuant to this section shall include:
- 7 (a) The reporter's name and title, business address, and
- 8 telephone number;
- 9 (b) The name, if known, of the animal owner or custodian,
- 10 whether a business or individual;

11 (c) A description of the animal or animals involved,
 12 person or persons involved, and location of the animal or animals
 13 and the premises; and

14 (d) The date, time, and a description of the observation
 15 or incident which led the reporter to reasonably suspect animal
 16 abandonment, cruel neglect, or cruel mistreatment and any other
 17 information the reporter believes may be relevant.

18 (6) Reports made pursuant to this section may be made on
 19 preprinted forms prepared by the entity or entities that
 20 investigate reports of animal abandonment, cruel neglect, or cruel
 21 mistreatment in that jurisdiction. The form shall include space
 22 for the information required under subsection (5) of this section.

23 (7) When two or more employees jointly have observed or
 24 reasonably suspected animal abandonment, cruel neglect, or cruel
 25 mistreatment and there is agreement between or among them, a report
 26 may be made by one person by mutual agreement. Any reporter who
 27 has knowledge that the person designated to report has failed to do
 1 so shall thereafter make the report.

2 (8) Any employee failing to report under this section
 3 shall be guilty of an infraction.

4 Sec. 2. Section 28-101, Revised Statutes Supplement,
 5 2002, is amended to read:

6 28-101. Sections 28-101 to 28-1348 and section 1 of this
 7 act shall be known and may be cited as the Nebraska Criminal Code.

8 Sec. 3. Section 28-1005, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 28-1005. (1) No person shall knowingly:

11 (a) Promote, engage in, or be employed at dogfighting,
 12 cockfighting, bearbaiting, or pitting an animal against another;

13 (b) Receive money for the admission of another person to
 14 a place kept for such purpose;

15 (c) Own, use, train, sell, or possess an animal for such
 16 purpose; or

17 (d) Permit any act as described in this subsection to
 18 occur on any premises owned or controlled by him or her.

19 (2) Any person violating subsection (1) of this section
 20 shall be guilty of a ~~Class I misdemeanor for the first conviction.~~
 21 ~~A person convicted of violating any provision of subsection (1) of~~
 22 ~~this section for a second or subsequent time shall be guilty of a~~
 23 ~~Class IV felony.~~

24 (3) No person shall knowingly and willingly be present at
 25 and witness as a spectator dogfighting, cockfighting, bearbaiting,
 26 or the pitting of an animal against another as prohibited in
 27 subsection (1) of this section. Any person who violates any

1 provision of this subsection shall be guilty of a ~~Class I~~
 2 ~~misdemeanor~~ Class IV felony.

3 Sec. 4. Section 28-1008, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 28-1008. For purposes of sections 28-1008 to 28-1016 and

6 section 1 of this act:

- 7 (1) Abandon means to leave any animal for any length of
 8 time without making effective provision for its food, water, or
 9 other care as is reasonably necessary for the animal's health;
 10 (2) Animal means any vertebrate member of the animal
 11 kingdom. The term does not include an uncaptured wild creature;
 12 (3) Cruelly mistreat means to knowingly and intentionally
 13 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
 14 otherwise inflict harm upon any animal;
 15 (4) Cruelly neglect means to fail to provide any animal
 16 in one's care, whether as owner or custodian, with food, water, or
 17 other care as is reasonably necessary for the animal's health;
 18 (5) Humane killing means the destruction of an animal by
 19 a method which causes the animal a minimum of pain and suffering;
 20 (6) Law enforcement officer means any member of the
 21 Nebraska State Patrol, any county or deputy sheriff, any member of
 22 the police force of any city or village, or any other public
 23 official authorized by a city or village to enforce state or local
 24 animal control laws, rules, regulations, or ordinances; and
 25 (7) Police animal means a horse or dog owned or
 26 controlled by the State of Nebraska for the purpose of assisting a
 27 Nebraska state trooper in the performance of his or her official
 1 enforcement duties.

2 Sec. 5. Section 28-1009, Revised Statutes Supplement,
 3 2002, is amended to read:

- 4 28-1009. (1) A person who abandons or cruelly neglects
 5 an animal is guilty of a ~~Class II misdemeanor for the first offense~~
 6 ~~and a Class I misdemeanor, for any subsequent offense.~~
 7 ~~(2) A~~ (2)(a) Except as provided in subdivision (b) of
 8 this subsection, a person who cruelly mistreats an animal is guilty
 9 of a Class I misdemeanor for the first offense and a Class IV
 10 felony for any subsequent offense.
 11 (b) A person who cruelly mistreats an animal is guilty of
 12 a Class IV felony if such cruel mistreatment involves the knowing
 13 and intentional torture, repeated beating, or mutilation of the
 14 animal.

15 (3) A person commits harassment of a police animal if he
 16 or she knowingly and intentionally teases or harasses a police
 17 animal in order to distract, agitate, or harm the police animal for
 18 the purpose of preventing such animal from performing its
 19 legitimate official duties. Harassment of a police animal is a
 20 Class IV misdemeanor unless the harassment is the proximate cause
 21 of the death of the police animal, in which case it is a Class IV
 22 felony.

23 Sec. 6. Section 28-1013, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

- 25 28-1013. Sections 28-1008 to 28-1016 and section 1 of
 26 this act shall not apply to:
 27 (1) Care or treatment of an animal by a veterinarian

- 1 licensed under the Nebraska Veterinary Practice Act;
- 2 (2) Commonly accepted care or treatment of a police
3 animal by a law enforcement officer in the normal course of his or
4 her duties;
- 5 (3) Research activity carried on by any research facility
6 currently meeting the standards of the federal Animal Welfare Act,
7 7 U.S.C. 2131 et seq., as such section existed on January 1, 2003;
- 8 (4) Commonly accepted practices of hunting, fishing, or
9 trapping;
- 10 (5) Commonly accepted practices occurring in conjunction
11 with rodeos, animal racing, or pulling contests;
- 12 (6) Humane killing of an animal by the owner or by his or
13 her agent or a veterinarian upon the owner's request;
- 14 (7) Commonly accepted practices of animal husbandry with
15 respect to farm animals, including their transport from one
16 location to another and nonnegligent actions taken by personnel or
17 agents of the Nebraska Department of Agriculture or the United
18 States Department of Agriculture in the performance of duties
19 prescribed by law;
- 20 (8) Use of reasonable force against an animal, other than
21 a police animal, which is working, including killing, capture, or
22 restraint, if the animal is outside the owned or rented property of
23 its owner or custodian and is injuring or posing an immediate
24 threat to any person or other animal;
- 25 (9) Killing of house or garden pests;
- 26 (10) Commonly followed practices occurring in conjunction
27 with the slaughter of animals for food or byproducts; and
- 1 (11) Commonly accepted animal training practices.
- 2 Sec. 7. Section 28-1014, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 28-1014. Any city, village, or county may adopt and
5 promulgate rules, regulations, and ordinances which are not
6 inconsistent with the provisions of sections 28-1008 to 28-1016 and
7 section 1 of this act for the protection of the public, public
8 health, and animals within its jurisdiction.
- 9 Sec. 8. Section 28-1015, Reissue Revised Statutes of
10 Nebraska, is amended to read:
11 28-1015. When an animal is owned by a minor child, the
12 parent of such minor child with whom the child resides or legal
13 guardian with whom the child resides shall be subject to the
14 penalties provided under sections 28-1008 to 28-1016 and section 1
15 of this act if the animal is abandoned or cruelly neglected.
- 16 Sec. 9. Section 28-1016, Reissue Revised Statutes of
17 Nebraska, is amended to read:
18 28-1016. Nothing in sections 28-1008 to 28-1016 and
19 section 1 of this act shall be construed as amending or changing
20 the authority of the Game and Parks Commission as established in
21 the Game Law or to prohibit any conduct authorized or permitted by
22 such law.

23 Sec. 10. Original sections 28-1005, 28-1008, and 28-1013
24 to 28-1016, Reissue Revised Statutes of Nebraska, and sections
25 28-101 and 28-1009, Revised Statutes Supplement, 2002, are
26 repealed."

Senator Chambers filed the following amendment to LB 274:
AM0650

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:
3 "Section 1. Section 54-625, Revised Statutes
4 Supplement, 2002, is amended to read:
5 54-625. Sections 54-625 to 54-636 and sections 4 to 8 of
6 this act shall be known and may be cited as the Commercial Dog and
7 Cat Operator Inspection Act.

8 Sec. 2. Section 54-626, Revised Statutes Supplement,
9 2002, is amended to read:

10 54-626. For purposes of the Commercial Dog and Cat
11 Operator Inspection Act:

12 (1) Boarding kennel means a facility which is primarily
13 used to house or contain dogs or cats owned by persons other than
14 the operator of such facility. The primary function of a boarding
15 kennel is to temporarily harbor dogs or cats when the owner of the
16 dogs or cats is unable to do so or to provide training, grooming,
17 or other nonveterinary service for consideration before returning
18 the dogs or cats to the owner. A facility which houses or contains
19 thirty or less dogs or cats in a twelve-month period is not a
20 boarding kennel. Veterinary clinics, animal control facilities,
21 and nonprofit animal shelters are not boarding kennels for the
22 purposes of the act;

23 (2) Cat means any animal which is wholly or in part of
24 the species *Felis domesticus*;

1 (3) Commercial breeder means any person (a) engaged in
2 the business of breeding dogs or cats and (b) who sells, exchanges,
3 or leases dogs or cats in return for consideration or who offers to
4 do so, whether or not the dogs or cats are bred, raised, trained,
5 groomed, or boarded by such person. A person who owns or harbors
6 three or less unaltered dogs or cats for breeding purposes which
7 are at least six months of age shall not be a commercial breeder.

8 A person who sells, exchanges, or leases thirty or less
9 dogs or cats in a twelve-month period shall not be a commercial
10 breeder if all such dogs or cats are sold, exchanged, or leased to
11 a final owner rather than for later retail sale or brokered
12 trading. A person knowingly selling, exchanging, or leasing any
13 dogs or cats for later retail sale or for brokered trading shall be
14 classified as a commercial breeder;

15 (4) Dealer means any person who is not a commercial
16 breeder or a pet shop but is engaged in the business of buying for
17 resale or selling or exchanging dogs or cats as a principal or
18 agent or who claims to be so engaged. A person who purchases,

19 sells, exchanges, or leases thirty or less dogs or cats in a
20 twelve-month period is not a dealer;

21 (5) Department means the Bureau of Animal Industry of the
22 Department of Agriculture with the State Veterinarian in charge,
23 subordinate only to the director;

24 (6) Director means the Director of Agriculture or his or
25 her designated employee;

26 (7) Dog means any animal which is wholly or in part of
27 the species *Canis familiaris*;

1 (8) Housing facility means any room, building, or areas
2 used to contain a primary enclosure;

3 (9) Inspector means any person who is employed by the
4 department and who is authorized to perform inspections pursuant to
5 the act;

6 (10) Licensee means a person who has qualified for and
7 received a license from the department pursuant to the act;

8 (11) Pet shop means a retail establishment whose primary
9 function is to sell companion animals and related supplies and
10 where such animals are bought, sold, exchanged, given away,
11 raffled, or offered for raffle or retail sale to the general
12 public;

13 (12) Primary enclosure means any structure used to
14 immediately restrict a dog or cat to a limited amount of space,
15 such as a room, pen, cage, or compartment;

16 ~~(12)~~ (13) Secretary of Agriculture means the Secretary of
17 Agriculture of the United States Department of Agriculture; and

18 ~~(13)~~ (14) Unaltered means any male or female dog or cat
19 which has not been neutered or spayed or otherwise rendered
20 incapable of reproduction.

21 Sec. 3. Section 54-627, Revised Statutes Supplement,
22 2002, is amended to read:

23 54-627. (1) Beginning April 1, 2001, a person shall not
24 operate as a commercial breeder, a dealer, or a boarding kennel
25 unless the person obtains the appropriate license as a commercial
26 breeder, dealer, or boarding kennel. Beginning January 1, 2004, a
27 person shall not operate as a pet shop unless the person obtains a

1 license as a pet shop. An applicant for a license shall submit an
2 application for the appropriate license to the department, on a
3 form prescribed by the department, together with a nonreturnable
4 license fee. Such fee shall be one hundred dollars. The license
5 fee shall be paid annually. Additionally, the department may
6 conduct an inspection of the facilities and sanitation and
7 confinement practices of the applicant or any other practices that
8 may affect the humane treatment of dogs and cats. Upon receipt of
9 the application and initial license fee, the appropriate license
10 may be issued by the department. Such license shall not be
11 transferable to another person or location.

12 (2) A license to operate as a commercial breeder, a
13 license to operate as a dealer, ~~or~~ a license to operate as a

14 boarding kennel, or a license to operate as a pet shop shall be
15 renewed by filing with the department at least thirty days prior to
16 April 1 of each year a renewal application and the annual license
17 fee. Failure to renew a license prior to the expiration of the
18 license shall result in an additional fee of twenty dollars
19 required upon application to renew such license.

20 Sec. 4. (1) Every dealer, commercial breeder, animal
21 shelter, animal control facility, or pet shop or any other
22 retailer, who transfers ownership of a dog or cat to an ultimate
23 consumer, shall deliver to the ultimate consumer of each dog or cat
24 at the time of sale, written material, in a form determined by such
25 seller, containing information on the benefits of spaying and
26 neutering. The written material shall include recommendations on
27 establishing a relationship with a veterinarian, information on
1 early-age spaying and neutering, the health benefits associated
2 with spaying and neutering pets, the importance of minimizing the
3 risk of homeless or unwanted animals, and the need to comply with
4 applicable license laws.

5 (2) The delivering of any model materials prepared by the
6 Pet Industry Joint Advisory Council or the Nebraska Humane Society
7 shall satisfy the requirements of subsection (1) of this section.

8 Sec. 5. Provision shall be made for spaying or neutering
9 all dogs and cats released for adoption or purchase from any public
10 or private animal shelter or animal control facility operated by a
11 humane society, a county, a city, or another political subdivision.
12 Such provision may be made by:

13 (1) Causing the dog or cat to be spayed or neutered by a
14 licensed veterinarian before releasing the dog or cat for adoption
15 or purchase; or

16 (2) Entering into a written agreement with the adopter or
17 purchaser of the dog or cat, guaranteeing that spaying or neutering
18 will be performed by a licensed veterinarian in compliance with an
19 agreement which shall contain the following information:

20 (a) The date of the agreement;

21 (b) The name, address, and signature of the releasing
22 entity and the adopter or purchaser;

23 (c) A description of the dog or cat to be adopted or
24 purchased;

25 (d) A statement, in conspicuous bold print, that spaying
26 or neutering of the dog or cat is required pursuant to this
27 section; and

1 (e) The date by which the spaying or neutering will be
2 completed, which date shall be (i) in the case of an adult dog or
3 cat, the thirtieth day after the date of adoption or purchase or
4 (ii) in the case of a pup or kitten, either (A) the thirtieth day
5 after a specified date estimated to be the date the pup or kitten
6 will reach six months of age or (B) if the releasing entity has a
7 written policy recommending spaying or neutering of certain pups or
8 kittens at an earlier date, the thirtieth day after such date.

9 Sec. 6. An adopter or purchaser who signs an agreement
10 under section 5 of this act shall cause the adopted or purchased
11 dog or cat to be spayed or neutered on or before the date stated in
12 the agreement. If such date falls on a Saturday, Sunday, or legal
13 holiday, the date may be extended to the first business day
14 following such date. The releasing entity may extend the date for
15 thirty days upon presentation of a letter or telephone report from
16 a licensed veterinarian, stating that the life or health of the
17 adopted or purchased dog or cat would be jeopardized by spaying or
18 neutering, and such extensions may continue to be granted until
19 such veterinarian determines that spaying or neutering would no
20 longer jeopardize the life or health of the adopted or purchased
21 dog or cat.

22 Sec. 7. A commercial breeder shall:

23 (1) Maintain housing facilities and primary enclosures in
24 a sanitary condition;

25 (2) Enable all dogs and cats to remain dry and clean;

26 (3) Provide shelter and protection from extreme
27 temperatures and weather conditions that may be uncomfortable or
1 hazardous to the dogs and cats;

2 (4) Provide sufficient shade to shelter all the dogs and
3 cats housed in the primary enclosure at one time;

4 (5) Provide dogs and cats with easy and convenient access
5 to adequate amounts of clean food and water;

6 (6) Provide adequate space appropriate to the age, size,
7 weight, and breed of dog or cat. For purposes of this subdivision,
8 adequate space means sufficient space to allow each dog and cat to
9 turn about freely, to stand, sit, and lie in a comfortable, normal
10 position, and to walk in a normal manner without the head of such
11 animal touching the top of the cage which shall be at least six
12 inches above the head of the tallest animal when the animal is
13 standing;

14 (7) Provide dogs with adequate socialization and
15 exercise. For the purpose of this subdivision, adequate
16 socialization means physical contact with other dogs and with human
17 beings, other than being fed, and adequate exercise means providing
18 the opportunity for exercise at least two times per day outside of
19 a cage or similar small enclosure except during inclement weather
20 that may be hazardous to dogs;

21 (8) Assure that a handler's hands are washed before and
22 after handling each infectious or contagious dog or cat; and

23 (9) Provide veterinary care without delay when necessary.

24 Sec. 8. The primary enclosures of all licensees shall
25 meet the following requirements:

26 (1) A primary enclosure shall have floors that are
27 constructed in a manner that protects the dogs' and cats' feet and
1 legs from injury and that, if of mesh or slatted construction, do
2 not allow the dogs' and cats' feet to pass through any openings in
3 the floor;

- 4 (2) If a primary enclosure has a suspended floor
 5 constructed of metal strands, the strands shall either be greater
 6 than one-eighth of an inch in diameter (nine gauge) or coated with
 7 a material such as plastic or fiberglass; and
 8 (3) The suspended floor of any primary enclosure shall be
 9 strong enough so that the floor does not sag or bend between the
 10 structural supports.
 11 Sec. 9. Original sections 54-625, 54-626, and 54-627,
 12 Revised Statutes Supplement, 2002, are repealed.".

NOTICE OF COMMITTEE HEARING

Revenue
 Room 1524

LB 794	Wednesday, March 19, 2003	1:30 p.m.
LB 803	Wednesday, March 19, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 94A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 94, Ninety-eighth Legislature, First Session, 2003.

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. The Janssen et al. pending amendment, AM0656, found in this day's Journal, was renewed.

SPEAKER BROMM PRESIDING

SENATOR CUDABACK PRESIDING

Senator Mossey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Senator Schimek requested a roll call vote on the Janssen et al. amendment.

Voting in the affirmative, 26:

Aguilar	Connealy	Kruse	Quandahl	Thompson
Beutler	Cunningham	Landis	Raikes	Wehrbein
Bourne	Friend	Maxwell	Schimek	
Brashear	Hartnett	McDonald	Schrock	
Bromm	Janssen	Mines	Stuthman	
Byars	Johnson	Preister	Synowiecki	

Voting in the negative, 17:

Burling	Foley	Kremer	Redfield	Vrtiska
Chambers	Hudkins	Mossey	Smith	
Engel	Jensen	Pedersen, Dw.	Stuhr	
Erdman	Jones	Price	Tyson	

Present and not voting, 6:

Baker	Combs	Louden
Brown	Cudaback	Pederson, D.

The Janssen et al. amendment was adopted with 26 ayes, 17 nays, and 6 present and not voting.

The Chair declared the call raised.

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

Pending.

MOTION - Introduce New Bills

Senator Vrtiska renewed his pending motion, found on page 701, for the introduction of the state claims bills by the Business and Labor Committee, pursuant to Rule 5, Section 4(c)(2).

The Vrtiska motion to introduce new bills prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 806. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Chambers, 11; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-off as prescribed; and to declare an

emergency.

LEGISLATIVE BILL 807. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Chambers, 11; Combs, 32; Hartnett, 45; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 54, 54A, 60, 94, 143, 143A, 150, 158, 164, 164A, 385, 451, and 524.

ER9025

Enrollment and Review Change to LB 143

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock amendment, AM0611, on page 16, line 3, "funds" has been struck, shown as stricken, and "fund" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "solid waste; to amend sections 13-2001, 13-2003, 13-2033, 13-2039, 13-2040, 81-1504.01, 81-15,159.02, 81-15,161, and 81-15,162, Reissue Revised Statutes of Nebraska, and sections 13-2042 and 81-15,160, Revised Statutes Supplement, 2002; to provide, change, and eliminate definitions; to change and eliminate provisions under the Integrated Solid Waste Management Act and the Waste Reduction and Recycling Incentive Act; to eliminate obsolete language relating to the Scrap Tire Reduction and Recycling Incentive Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-15,159.01, 81-15,161.01, 81-15,162.01, 81-15,162.02, and 81-15,162.08, Reissue Revised Statutes of Nebraska." inserted.

ER9024

Enrollment and Review Change to LB 150

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "to provide a penalty;" has been inserted after the semicolon.

ER9026

Enrollment and Review Change to LB 158

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7053, on page 13, line 24, an underscored comma has been inserted after "program".

ER9023

Enrollment and Review Change to LB 385

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, AM0615, on page 3, line 19, "2002," has been inserted after the comma.

2. On page 1, line 2, "section 13-2705" has been struck and "sections 13-2705 to 13-2708" inserted; in lines 3 and 4 "grant approval conditions" has been struck and "provisions relating to grant application and approval" inserted; and in line 4 "section" has been struck and "sections" inserted.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 701. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 112. Placed on General File as amended.

Standing Committee amendment to LB 112:

AM0524

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 81-1120.19, Revised Statutes
4 Supplement, 2002, is amended to read:
5 81-1120.19. The division shall have authority to
6 purchase or lease communications facilities, services, or channels
7 on terms which are for the best interests of the State of Nebraska.
8 In making the decision as to what proposal is for the best
9 interests of the state, the decision of the division shall be based
10 upon, but not necessarily limited to, (1) the total cost to the
11 state, computed in accordance with accepted governmental
12 cost-accounting procedures taking into account taxes to be paid or
13 foregone, interest rates, and obsolescence; (2) the quality of the
14 service offered; (3) the comprehensiveness of the proposed
15 facilities or plan; (4) the financial responsibility of the
16 supplier or carrier submitting the proposal; (5) the repair and
17 maintenance capabilities of the supplier or carrier; (6) the
18 experience as a communications carrier or supplier, as applicable;

19 and (7) the alternate methods or facilities available. The powers
 20 conferred by this section shall be subject to the condition that,
 21 except for existing state-owned facilities, the division shall
 22 obtain all ~~exchange, intercity, toll, wide-area and private-line~~
 23 ~~communications~~ telecommunications service as defined in section
 24 86-121 from telecommunications carriers that are certificated or
 1 permitted by, or registered with, the Public Service Commission for
 2 any area in which such services are rendered. Any purchase or
 3 lease, except from such telecommunications carriers, made by the
 4 division shall be made through the materiel division of the
 5 Department of Administrative Services pursuant to the functions,
 6 powers, and duties of such division.
 7 Sec. 2. Original section 81-1120.19, Revised Statutes
 8 Supplement, 2002, is repealed.
 9 Sec. 3. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.".

LEGISLATIVE BILL 321. Indefinitely postponed.

LEGISLATIVE BILL 425. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

Senator Preister designates LB 626 as his priority bill.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

LR 39 Wednesday, March 12, 2003

1:30 p.m.

(Signed) Jim Jensen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Friend asked unanimous consent to have his name added as cointroducer to LB 148. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 273 and LB 274. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were Al Gunther from Bloomfield and Curt Alexander from Dodge; Lori Bortner from McCook, Lynn Welker from

Kilgore, and Lindy Ovaney and Marty and Cindy Petersen from North Platte; students and teacher from Sutherland High School; and 50 fourth-grade students and teachers from York Elementary School.

The Doctor of the Day was Dr. Pumphrey from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 2003.

Patrick J. O'Donnell
Clerk of the Legislature