

SIXTY-THIRD DAY - APRIL 15, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 15, 2003

PRAYER

The prayer was offered by Senator McDonald.

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 Senator Engel who was excused; and Senators Baker, Brashear, Combs, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 454. Senator Hartnett renewed his pending amendment, FA1308, found on page 1276.

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

The Hartnett amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Foley withdrew his pending amendment, FA1305, found on page 1277.

Advanced to E & R for review with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Senator Foley offered the following amendment:

FA1309

On page 2 line 9 insert a period after October 1, 2003 and strike the rest of the sentence.

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

SPEAKER BROMM PRESIDING

Senator Tyson moved the previous question. The question is, "Shall the debate now close?"

Senator Tyson moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Aguilar	Erdman	Kremer	Pederson, D.	Stuhr
Baker	Friend	Kruse	Quandahl	Stuthman
Brown	Hudkins	McDonald	Raikes	Tyson
Burling	Jensen	Mines	Redfield	Vrtiska
Combs	Johnson	Mossey	Schrock	Wehrbein
Cunningham	Jones	Pedersen, Dw.	Smith	

Voting in the negative, 12:

Beutler	Connealy	Landis	Schimek
Bourne	Foley	Preister	Synowiecki
Chambers	Hartnett	Price	Thompson

Present and not voting, 5:

Bromm	Byars	Cudaback	Janssen	Maxwell
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Excused and not voting, 3:

Brashear	Engel	Louden
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The motion to cease debate prevailed with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

The Foley amendment lost with 15 ayes, 23 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 67 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 67.

GENERAL FILE

LEGISLATIVE BILL 435. Senator Schimek offered the following amendment:

FA1310

On line 8 by striking "five dollars and eighty cents" and inserting "six dollars."

Pending.

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 232:

AM1340

- 1 1. On page 3, line 21, after the period insert "The fund
- 2 may also be used to reimburse members of the County Records
- 3 Improvement Grant Fund Committee for their actual and necessary
- 4 expenses.".
- 5 2. On page 4, line 2, strike "State Treasurer" and
- 6 insert "Secretary of State"; and in line 12 after the period insert
- 7 "For administrative purposes, the grant committee shall be located
- 8 in the office of the Secretary of State.".

VISITORS

Visitors to the Chamber were 37 fourth- and sixth-grade students and teachers from Lewiston; 60 sixth-grade students and teachers from Edison Elementary School, Omaha; 31 fourth-grade students and teachers from Sutton; 25 members of the Nebraska Federation of Women's Clubs from across the state; and 60 fourth-grade students and teachers from Hickory Hill Elementary School, Papillion.

RECESS

At 11:57 a.m., on a motion by Senator Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Engel who was excused; and Senators Byars, Landis, and Maxwell who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 435. The Schimek pending amendment, FA1310, found in this day's Journal, was renewed.

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

Senator Schimek withdrew her amendment.

Senator Beutler offered the following amendment:

FA1311

On line 10, page 2 strike "and thirty cents" and strike "2004" and insert "2005"

SPEAKER BROMM PRESIDING

Senators Cudaback and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Aguilar	Byars	Friend	Preister	Thompson
Beutler	Chambers	Hartnett	Price	Wehrbein
Brashear	Connealy	Kruse	Raikes	
Bromm	Erdman	Maxwell	Schimek	
Brown	Foley	Mossey	Synowiecki	

Voting in the negative, 18:

Baker	Cunningham	Jones	Redfield	Tyson
Bourne	Hudkins	McDonald	Smith	Vrtiska
Burling	Jensen	Mines	Stuhr	
Combs	Johnson	Quandahl	Stuthman	

Present and not voting, 5:

Janssen Kremer Louden Pederson, D. Schrock

Excused and not voting, 4:

Cudaback Engel Landis Pedersen, Dw.

The Beutler amendment lost with 22 ayes, 18 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA1313

On line 8 strike "eighty" and insert "forty-five"

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

SENATOR VRTISKA PRESIDING

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

FA1314

Amend FA1313

On line 8 strike "eighty" and insert "forty-five".

On lines 9-10 strike "six dollars and thirty cents" and insert "five dollars and seventy-five cents".

SPEAKER BROMM PRESIDING

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

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

Senator Redfield moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Redfield amendment was adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, as amended, was adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Transportation and Telecommunications

The Transportation and Telecommunications 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.

Motor Vehicle Industry Licensing Board
Bernard J. Slowik

VOTE: Aye: Senators Dw. Pedersen, Hudkins, Baker, Jones, Stuthman, Smith, and Aguilar. Nay: None. Absent: Senator Brown.

(Signed) Tom Baker, Chairperson

AMENDMENT - Print in Journal

Senators Preister, Chambers, and Schrock filed the following amendment to LB 367:

AM1323

- 1 1. Strike the Schrock et al. amendment, AM1261, and all
- 2 amendments thereto and insert the following new section:
- 3 "Sec. 2. Section 66-1519, Revised Statutes Supplement,
- 4 2002, is amended to read:
- 5 66-1519. There is hereby created the Petroleum Release
- 6 Remedial Action Cash Fund to be administered by the department.
- 7 Revenue from the following sources shall be remitted to the State
- 8 Treasurer for credit to the fund:
- 9 (1) The fees imposed by sections 66-1520 and 66-1521;
- 10 (2) Money paid under an agreement, stipulation,
- 11 cost-recovery award under section 66-1529.02, or settlement; and
- 12 (3) Money received by the department in the form of
- 13 gifts, grants, reimbursements, property liquidations, or
- 14 appropriations from any source intended to be used for the purposes
- 15 of the fund.
- 16 Money in the fund may be spent for: (a) Reimbursement for
- 17 the costs of remedial action by a responsible person or his or her
- 18 designated representative and costs of remedial action undertaken
- 19 by the department in response to a release first reported after
- 20 July 17, 1983, and on or before June 30, 2005, including
- 21 reimbursement for damages caused by the department or a person
- 22 acting at the department's direction while investigating or
- 23 inspecting or during remedial action on property other than
- 24 property on which a release or suspected release has occurred; (b)
- 1 payment of any amount due from a third-party claim; (c) fee

2 collection expenses incurred by the State Fire Marshal; (d) direct
 3 expenses incurred by the department in carrying out the Petroleum
 4 Release Remedial Action Act; (e) other costs related to fixtures
 5 and tangible personal property as provided in section 66-1529.01;
 6 (f) interest payments as allowed by section 66-1524; (g) expenses
 7 incurred by the technical advisory committee created in section
 8 81-15,189 in carrying out its duties pursuant to section 81-15,190;
 9 (h) claims approved by the State Claims Board authorized under
 10 section 66-1531; (i) a grant to a city of the metropolitan class in
 11 the amount of three hundred thousand dollars, provided within five
 12 days after the operative date of this act, to carry out the federal
 13 Residential Lead-Based Paint Hazard Reduction Act of 1992, 42
 14 U.S.C. 4851 et seq., as such act existed on the operative date of
 15 this act; and ~~(h)~~ (j) methyl tertiary butyl ether testing, to be
 16 conducted randomly at terminals within the state for up to two
 17 years ending June 30, 2003. The amount expended on the testing
 18 shall not exceed forty thousand dollars. The testing shall be
 19 conducted by the Department of Agriculture. The department may
 20 enter into contractual arrangements for such purpose. The results
 21 of the tests shall be made available to the Department of
 22 Environmental Quality.

23 Transfers may be made from the Petroleum Release Remedial
 24 Action Cash Fund to the General Fund at the direction of the
 25 Legislature. Transfers may be made from the Petroleum Release
 26 Remedial Action Cash Fund to the Water Policy Task Force Cash Fund
 27 at the direction of the Legislature.

1 Any money in the Petroleum Release Remedial Action Cash
 2 Fund available for investment shall be invested by the state
 3 investment officer pursuant to the Nebraska Capital Expansion Act
 4 and the Nebraska State Funds Investment Act. ~~Within fifteen days~~
 5 ~~after July 1, 2002, the State Treasurer shall transfer six million~~
 6 ~~dollars from the Petroleum Release Remedial Action Cash Fund to the~~
 7 ~~General Fund.~~
 8 ~~Within fifteen days after July 20, 2002, the State~~
 9 ~~Treasurer shall transfer one hundred fifty thousand dollars from~~
 10 ~~the Petroleum Release Remedial Action Cash Fund to the Water Policy~~
 11 ~~Task Force Cash Fund."~~

12 2. Amend the repealer and renumber the remaining
 13 sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Erdman and Friend asked unanimous consent to have their names
 added as cointroducers to LB 95. No objections. So ordered.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 494. Placed on Select File.

LEGISLATIVE BILL 464. Placed on Select File as amended.

(E & R amendment, AM7105, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 480. Placed on Select File.

LEGISLATIVE BILL 481. Placed on Select File as amended.

E & R amendment to LB 481:

AM7104

- 1 1. On page 1, lines 3 and 4, strike "failure to stop at
- 2 a weighing station" and insert "state weighing stations and
- 3 portable scales".
- 4 2. On page 2, line 13, after "Patrol" insert an
- 5 underscored comma.

LEGISLATIVE BILL 521. Placed on Select File.

LEGISLATIVE BILL 349. Placed on Select File as amended.

E & R amendment to LB 349:

AM7106

- 1 1. On page 1, line 2, strike "section" and insert
- 2 "sections 49-1449 and"; and in line 3 after the semicolon insert
- 3 "to change provisions relating to statements of organization for
- 4 certain committees";.

LEGISLATIVE BILL 498. Placed on Select File.

LEGISLATIVE BILL 461. Placed on Select File.

LEGISLATIVE BILL 548. Placed on Select File.

LEGISLATIVE BILL 307. Placed on Select File as amended.

E & R amendment to LB 307:

AM7107

- 1 1. In the Standing Committee amendments, AM0472, on page
- 2 2, line 3, after "for" insert "declining" and after "suggestion"
- 3 insert "that is".
- 4 2. On page 1, lines 1 and 2, strike "section 81-1347.01"
- 5 and insert "sections 81-1347, 81-1347.01, and 81-1354"; and in line
- 6 4 strike "section" and insert "sections".

LEGISLATIVE BILL 149. Placed on Select File.

LEGISLATIVE BILL 510. Placed on Select File.

LEGISLATIVE BILL 707. Placed on Select File.

(Signed) Ray Mossey, Chairperson

VISITORS

Visitors to the Chamber were 26 fourth-grade students and teacher from

Homer; and 10 sixth-grade students and sponsors from Paxton Consolidated Schools.

The Doctor of the Day was Dr. Mark Butler from Lincoln.

ADJOURNMENT

At 4:00 p.m., on a motion by Senator Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, April 16, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

