

SEVENTY-SIXTH DAY - MAY 7, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 7, 2003

PRAYER

The prayer was offered by Senator Hudkins.

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 D. Pederson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 93. Introduced by Kremer, 34; Quandahl, 31.

PURPOSE: The purpose of this study is to examine the need for and the feasibility of statutory and other mechanisms to protect and balance the financial interests of investors, producers, livestock marketing agencies, lenders, and secured parties in livestock sales transactions and livestock feeding ventures.

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

1. That the Agriculture Committee and the Banking Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 574A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 759A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 287. Title read. Considered.

The Standing Committee amendment, AM1710, found on page 1593, was considered.

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

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 13 ayes, 8 nays, and 28 not voting.

Senator Foley 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, 0 nays, and 24 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Preister renewed his pending amendment, FA1354, found on page 1656.

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

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a record vote on the Preister amendment.

Voting in the affirmative, 27:

Aguilar	Cudaback	Johnson	Preister	Stuthman
Baker	Cunningham	Kremer	Price	Synowiecki
Beutler	Erdman	Louden	Quandahl	Wehrbein
Bourne	Foley	McDonald	Redfield	
Chambers	Friend	Mossey	Schimek	
Combs	Jensen	Pedersen, Dw.	Smith	

Voting in the negative, 8:

Connealy	Janssen	Raikes	Stuhr
Hartnett	Landis	Schrock	Thompson

Present and not voting, 10:

Brown	Engel	Jones	Maxwell	Tyson
Burling	Hudkins	Kruse	Mines	Vrtiska

Excused and not voting, 4:

Brashear	Bromm	Byars	Pederson, D.
----------	-------	-------	--------------

The Preister amendment was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 574. Placed on Select File as amended.

(E & R amendment, AM7131, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 440. Placed on Select File as amended.

E & R amendment to LB 440:

AM7132

- 1 1. On page 1, strike beginning with "section" in line 1
- 2 through line 5 and insert "sections 18-2603 and 77-2602, Revised
- 3 Statutes Supplement, 2002; to redefine a term; to change
- 4 allocations from cigarette tax proceeds to the Municipal
- 5 Infrastructure Redevelopment Fund; and to repeal the original
- 6 sections."

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 320A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

AMENDMENT - Print in Journal

Senator McDonald filed the following amendment to LB 754:
AM1681

(Amendments to AM1577)

- 1 1. On page 1, line 7, after "request" insert "and after
- 2 a public hearing."

VISITORS

Visitors to the Chamber were 11 seventh- and eighth-grade students and teacher from St. Paul Lutheran School, West Point; 17 fourth-grade students and teacher from St. Matthew School, Bellevue; 18 fourth-grade students and teacher from St. Mary's School, Bellevue; Senator Tyson's grandson, Will Goldhammer, and 40 fifth-grade students and teachers from Thayer Central School, Hebron; 33 fifth-grade students and teachers from Christ The King School, Omaha; 45 sixth- through eighth-grade students and teachers from Sunrise Elementary School, Columbus; 22 students and teacher from Cambridge; 32 fourth- and fifth-grade students and teachers from Ponca; Joyce and William Cole from Cleveland, Ohio, and Glenn Williams from Las Vegas, Nevada; and Senator Aguilar's grandson and 58 fourth-grade students and teacher from St. Cecillia School, Omaha.

RECESS

At 11:54 a.m., on a motion by Senator Janssen, 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 D. Pederson who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 287. Senators Kremer and Schrock offered the following amendment:

AM1746

- 1 1. On page 5, line 15, strike the new matter.

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

The Kremer-Schrock amendment was adopted with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 26 ayes, 12 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 283. Senator Beutler withdrew his pending motion, found on page 1639, to indefinitely postpone.

Senator Chambers renewed his pending amendment, FA1350, found on page 1643.

SPEAKER BROMM PRESIDING

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

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

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 15:

Burling	Foley	Jones	Louden	Thompson
Byars	Jensen	Kremer	Preister	Vrtiska
Chambers	Johnson	Kruse	Schimek	Wehrbein

Voting in the negative, 27:

Aguilar	Cunningham	Janssen	Quandahl	Stuthman
Beutler	Engel	Landis	Raikes	Synowiecki
Bourne	Erdman	McDonald	Redfield	Tyson
Bromm	Friend	Mines	Schrock	
Combs	Hartnett	Mossey	Smith	
Connealy	Hudkins	Price	Stuhr	

Present and not voting, 4:

Baker Brashear Brown Maxwell

Excused and not voting, 3:

Cudaback Pedersen, Dw. Pederson, D.

The Chambers amendment lost with 15 ayes, 27 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA1351, found on page 1644.

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

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Jensen

Voting in the negative, 36:

Aguilar	Combs	Janssen	Quandahl	Synowiecki
Baker	Connealy	Kremer	Raikes	Thompson
Beutler	Cunningham	Kruse	Redfield	Tyson
Bourne	Engel	Landis	Schimek	Wehrbein
Brashear	Erdman	Mines	Schrock	
Bromm	Foley	Mossey	Smith	
Burling	Friend	Preister	Stuhr	
Byars	Hudkins	Price	Stuthman	

Present and not voting, 10:

Brown	Cudaback	Johnson	Louden	McDonald
Chambers	Hartnett	Jones	Maxwell	Vrtiska

Excused and not voting, 2:

Pedersen, Dw. Pederson, D.

The Chambers amendment lost with 1 aye, 36 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 285A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 285, Ninety-eighth Legislature, First Session, 2003.

AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 655:
AM1506

(Amendments to Standing Committee amendments, AM1201)

- 1 1. Insert the following new sections:
- 2 "Section 1. For purposes of sections 1 to 4 of this act,
- 3 nonconsensual common-law lien means a document that purports to
- 4 assert a lien against real or personal property of any person or
- 5 entity and:
- 6 (1) Is not expressly provided for by a specific state or
- 7 federal statute;
- 8 (2) Does not depend on the consent of the owner of the
- 9 real or personal property affected; and
- 10 (3) Is not an equitable or constructive lien imposed by a
- 11 state or federal court of competent jurisdiction.
- 12 Sec. 2. Any person who submits for filing or recording
- 13 to the Secretary of State, county clerk, register of deeds, or
- 14 clerk of any court any document purporting to create a
- 15 nonconsensual common-law lien against real or personal property in
- 16 violation of this section or section 76-296 is liable to the person
- 17 or entity against whom the lien is claimed for actual damages plus
- 18 costs and reasonable attorney's fees.
- 19 Sec. 3. The Secretary of State, county clerk, register
- 20 of deeds, or clerk of any court shall refuse to accept for filing
- 21 any nonconsensual common-law lien.
- 22 Sec. 4. Any lien determined to be a nonconsensual
- 23 common-law lien pursuant to any proceeding shall be stricken from
- 1 the record of the Secretary of State, county clerk, register of
- 2 deeds, or clerk of any court upon the issuing of a valid court

3 order from a court of competent jurisdiction. There shall be no
 4 filing fee for a court order issued pursuant to this section.

5 Sec. 10. The Revisor of Statutes shall assign sections 1
 6 to 4 of this act to Chapter 52."

7 2. Renumber the remaining sections accordingly.

Senator Preister filed the following amendment to LB 65:
 AM1768

(Amendments to Standing Committee amendments, AM0271)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 70-1001.01, Revised Statutes
- 4 Supplement, 2002 is amended to read:
- 5 70-1001.01. For the purposes of sections 70-1001 to
- 6 70-1027 and section 3 of this act, unless the context otherwise
- 7 requires:
- 8 (1) Board means the Nebraska Power Review Board;
- 9 (2) Electric suppliers or suppliers of electricity means
- 10 any legal entity supplying, producing, or distributing electricity
- 11 within the state for sale at wholesale or retail;
- 12 (3) Regional transmission organization means an entity
- 13 independent from those entities generating or marketing electricity
- 14 at wholesale or retail, which has operational control over the
- 15 electric transmission lines in a designated geographic area in
- 16 order to reduce constraints in the flow of electricity and ensure
- 17 that all power suppliers have open access to transmission lines for
- 18 the transmission of electricity;
- 19 (4) Representative organization means an organization
- 20 designated by the board and organized for the purpose of providing
- 21 joint planning and encouraging maximum cooperation and coordination
- 22 among electric suppliers. Such organization shall represent
- 23 electric suppliers owning a combined electric generation plant
- 1 capacity of at least ninety percent of the total electric
- 2 generation plant capacity constructed and in operation within the
- 3 state;
- 4 (5) State means the State of Nebraska; and
- 5 (6) Unbundled retail rates means the separation of
- 6 utility bills into the individual price components for which an
- 7 electric supplier charges its retail customers, including, but not
- 8 limited to, the separate charges for the generation, transmission,
- 9 and distribution of electricity.
- 10 Sec. 2. Section 70-1014, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 70-1014. After hearing, the board shall have authority
- 13 to approve or deny the application. ~~Before~~ Except as provided in
- 14 section 3 of this act for special generation applications, before
- 15 approval of an application, the board shall find that the
- 16 application will serve the public convenience and necessity, and
- 17 that the applicant can most economically and feasibly supply the

18 electric service resulting from the proposed construction or
19 acquisition, without unnecessary duplication of facilities or
20 operations.
21 Sec. 3. An application by a municipality, registered
22 group of municipalities, a public power district, a public power
23 and irrigation district, an electric cooperative, an electric
24 membership association, or any other governmental entity for a
25 facility that will generate not more than ten thousand kilowatts of
26 electric energy at rated capacity and will generate electricity
27 using solar, wind, biomass, landfill gas, methane gas, or
1 hydropower generation technology or an emerging generation
2 technology, including, but not limited to, fuel cells and
3 micro-turbines, shall be deemed a special generation application.
4 Such application shall be approved by the board if the board finds
5 that (a) the application qualifies as a special generation
6 application, (b) the application will provide public benefits
7 sufficient to warrant approval of the application, although it may
8 not constitute the most economically feasible generation option,
9 and (c) the application under consideration represents a separate
10 and distinct project from any previous special generation
11 application the applicant may have filed.
12 Sec. 4. Original section 70-1014, Reissue Revised
13 Statutes of Nebraska, and section 79-1001.01, Revised Statutes
14 Supplement, 2002, are repealed.".

Senator Landis filed the following amendment to LB 759:
(Amendment, AM1745, is printed separately and available in the Bill Room,
Room 1104.)

Senator Quandahl filed the following amendment to LB 287:
AM1735

1 1. On page 5, line 15, after the period insert "The Tax
2 Commissioner shall adopt and promulgate rules and regulations to
3 carry out the changes made to this subdivision by this legislative
4 bill and shall hold a hearing on such rules and regulations.".

GENERAL FILE

LEGISLATIVE BILL 283. Senator Chambers offered the following
motion:

Reconsider the vote on FA1351.

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

SPEAKER BROMM PRESIDING

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

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

Voting in the affirmative, 3:

Brown Chambers Jensen

Voting in the negative, 39:

Aguilar	Cunningham	Jones	Preister	Stuhr
Beutler	Engel	Kremer	Price	Stuthman
Bourne	Erdman	Kruse	Quandahl	Synowiecki
Brashear	Foley	Landis	Raikes	Thompson
Bromm	Friend	Louden	Redfield	Tyson
Byars	Hudkins	McDonald	Schimek	Vrtiska
Combs	Janssen	Mines	Schrock	Wehrbein
Connealy	Johnson	Mossey	Smith	

Present and not voting, 3:

Cudaback Hartnett Maxwell

Excused and not voting, 4:

Baker Burling Pedersen, Dw. Pederson, D.

The Chambers motion to reconsider failed with 3 ayes, 39 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

LEGISLATIVE BILL 598. Title read. Considered.

The Standing Committee amendment, AM0783, found on page 1203, was considered.

SENATOR CUDABACK PRESIDING

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

The Standing Committee amendment was adopted with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 285. Placed on Select File as amended.

E & R amendment to LB 285:

AM7134

- 1 1. On page 1, strike lines 2 through 4 and insert
- 2 "77-27,132, Reissue Revised Statutes of Nebraska, and sections
- 3 77-2602, 77-2608, 77-2701.02, 77-2715.02, and 77-4008, Revised
- 4 Statutes Supplement, 2002; to change cigarette tax, sales and use
- 5 tax, income tax, and tobacco products tax provisions; to provide an
- 6 operative date; and to repeal the original sections."

LEGISLATIVE BILL 320. Placed on Select File as amended.

E & R amendment to LB 320:

AM7135

- 1 1. In the Brashear amendment, AM1720:
- 2 a. On page 1, line 12, strike "Judges' Retirement Fund"
- 3 and insert "fund";
- 4 b. On page 3, line 17, strike "contribution" and insert
- 5 "monthly compensation"; and
- 6 c. On page 10, line 16, reinstate the stricken matter;
- 7 and in line 17 strike the comma.
- 8 2. On page 1, strike beginning with "section" in line 1
- 9 through "section" in line 4 and insert "sections 24-701.01, 24-703,
- 10 24-708, and 24-710, Revised Statutes Supplement, 2002; to provide
- 11 for benefits for a surviving spouse; to change contribution rates
- 12 and court fees; to change provisions relating to the age of
- 13 retirement and retirement annuities; to harmonize provisions; to
- 14 repeal the original sections".

LEGISLATIVE BILL 574A. Placed on Select File.

LEGISLATIVE BILL 759A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Kruse filed the following amendment to LB 208:

(Amendment, AM1774, is printed separately and available in the Bill Room, Room 1104.)

Senator Synowiecki filed the following amendment to LB 208:

AM1777

(Amendments to AM1774)

- 1 1. On page 2, line 11, after "and" insert "one hundred
- 2 dollars to".
- 3 2. On page 47, line 5, after "a" insert
- 4 "one-hundred-dollar to".

Senator McDonald filed the following amendments to LB 754:
AM1794

(Amendments to AM1577)

- 1 1. On page 1, line 9, strike "in a timely manner" and
- 2 insert "within thirty-five days after the final public hearing on
- 3 the application".

AM1791

(Amendments to AM1577)

- 1 1. On page 1, lines 10 and 11, strike "the submission
- 2 of" and insert "any".

AM1788

(Amendments to AM1577)

- 1 1. On page 1, line 20, strike "substantial" and insert
- 2 "significant"; strike beginning with "upon" in line 21 through
- 3 "based" in line 22; and in line 22 strike ", or will meet,".

AM1790

(Amendments to AM1577)

- 1 1. On page 1, line 15, strike "reasonable" and insert
- 2 "all".

AM1793

(Amendments to AM1577)

- 1 1. On page 1, line 9, after "manner" insert "following
- 2 public hearings on the application for a conditional use permit or
- 3 special exception".

AM1792

(Amendments to AM1577)

- 1 1. On page 1, line 14, strike the comma and insert "at a
- 2 public hearing on the application and".

AM1789

(Amendments to AM1577)

- 1 1. On page 1, line 19, strike "only" and "final".

AM1787

(Amendments to AM1577)

- 1 1. On page 1, lines 3, 8, 14, 16, 18, 19, 21, and 23,
- 2 strike "final".

AM1786

(Amendments to E & R amendments, AM7099)

- 1 1. On page 6, line 2, strike the new matter.

Senator Foley filed the following amendment to LB 208:
AM1776

(Amendments to AM1774)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 28-394, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 28-394. (1) A person who causes the death of an unborn
- 5 child unintentionally while engaged in the operation of a motor
- 6 vehicle in violation of the law of the State of Nebraska or in
- 7 violation of any city or village ordinance commits motor vehicle
- 8 homicide of an unborn child.
- 9 (2) Except as provided in subsection (3) of this section,
- 10 motor vehicle homicide of an unborn child is a Class I misdemeanor.
- 11 (3)(a) If the proximate cause of the death of an unborn
- 12 child is the operation of a motor vehicle in violation of section
- 13 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is
- 14 a Class ~~IV~~ IIIA felony.
- 15 (b) Except as provided in subdivision (3)(c) of this
- 16 section, if the proximate cause of the death of an unborn child is
- 17 the operation of a motor vehicle in violation of section 60-6,196,
- 18 motor vehicle homicide of an unborn child is a Class ~~IV~~ IIIA felony
- 19 and the court shall, as part of the judgment of conviction, order
- 20 the person not to drive any motor vehicle for any purpose for a
- 21 period of at least ~~sixty days~~ one year and not more than fifteen
- 22 years after the date ordered by the court and shall order that the
- 23 operator's license of such person be revoked for the same period.
- 1 The revocation shall not run concurrently with any jail term
- 2 imposed.
- 3 (c) If the proximate cause of the death of an unborn
- 4 child is the operation of a motor vehicle in violation of section
- 5 60-6,196 and the defendant has a prior conviction under for a
- 6 violation of such section, under a city or village ordinance
- 7 enacted in conformance with such section, or under a law of another
- 8 state if, at the time of the conviction under the law of such other
- 9 state, the offense for which the defendant was convicted would have
- 10 been a violation of section 60-6,196, or a city or village
- 11 ordinance enacted pursuant to such section, motor vehicle homicide
- 12 of an unborn child is a Class III felony and the court shall, as
- 13 part of the judgment of conviction, order the person not to drive
- 14 any motor vehicle for any purpose for a period of at least ~~sixty~~
- 15 ~~days~~ one year and not more than fifteen years after the date
- 16 ordered by the court and shall order that the operator's license of
- 17 such person be revoked for the same period. ~~The revocation shall~~
- 18 ~~not run concurrently with any jail term imposed."~~.
- 19 2. Renumber the remaining sections and correct internal
- 20 references and the repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 540. E & R amendment, AM7116, found on page 1495, was adopted.

Senator Bourne renewed his pending amendment, AM1616, found on page 1584.

Senators Friend and Preister asked unanimous consent to be excused. No objections. So ordered.

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

SPEAKER BROMM PRESIDING

Senator Raikes moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Bourne amendment lost with 8 ayes, 28 nays, 8 present and not voting, and 5 excused and not voting.

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

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 379. Placed on Select File.

(Signed) Ray Mossey, Chairperson

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 574:
AM1775

(Amendments to E & R amendments, AM7131)

- 1 1. On page 26, line 12, after "systems" insert "or the
- 2 Nebraska educational savings plan trust".
- 3 2. On page 28, line 7, after the stricken matter insert
- 4 "Community Scholarship Foundation Program Act and the".

Senator Raikes filed the following amendment to LB 249:
AM1779

(Amendments to E & R amendments, AM7115)

1 1. On page 6, line 12, strike "materials required for
2 course projects", show as stricken, and insert "fees required for
3 parking".

Senator Bromm filed the following amendment to LB 759:
AM1783

(Amendments to E & R amendments, AM7114)

1 1. On page 3, line 17, strike "sixty-four", show as
2 stricken, and insert "sixty-seven"; in line 24 insert paragraphing
3 and "(2)" after the period; and strike beginning with "less" in
4 line 26 through "tax" in line 27 and show as stricken.
5 2. On page 4, strike beginning with "and" in line 1
6 through line 4 and show the old matter as stricken; in line 6 after
7 the period insert "The State Treasurer shall reduce the amount
8 placed in the General Fund under this subsection by the amount
9 prescribed in subdivision (3)(d) of this section."; and in line 10
10 after the period insert paragraphing and "(3)".
11 3. On page 5, strike beginning with "until" in line 25
12 through line 27 and show as stricken.
13 4. On page 6, strike beginning with "the" in line 1
14 through the first comma in line 9 and show as stricken; in line 16
15 strike "(f) Sixth", show as stricken, and insert "(e) Fifth"; in
16 line 19 strike "(g) Seventh", show as stricken, and insert "(f)
17 Sixth"; in line 23 strike "this subsection", show as stricken, and
18 insert "subsection (2) of this section"; and in line 26 strike "(h)
19 Eighth", show as stricken, and insert "(g) Seventh".
20 5. On page 7, line 4, strike "this subsection", show as
21 stricken, and insert "subsection (2) of this section"; in line 6
22 strike "and" and show as stricken; in line 7 strike "(i) Ninth",
23 show as stricken, and insert "(h) Eighth"; in line 10 before the
1 period insert "; and
2 (i) Ninth, beginning October 1, 2003, the State Treasurer
3 shall place the equivalent of three cents of such tax in the
4 Tobacco Prevention and Control Cash Fund.
5 (4) If, after distributing the proceeds of such tax
6 pursuant to subsections (2) and (3) of this section, any proceeds
7 of such tax remain, the State Treasurer shall place such remainder
8 in the Nebraska Capital Construction Fund"; and in line 11 strike
9 "(2)", show as stricken, and insert "(5)".

SELECT FILE

LEGISLATIVE BILL 540. Senator Mines renewed the Mines et al. pending amendment, AM1660, found on page 1584.

Senator Redfield requested a ruling of the Chair on whether the Mines et al. amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Mines et al. amendment is substantially the same as LB 462 and LB 520, which were indefinitely postponed by the Revenue Committee, and would, therefore, require 30 votes.

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

Senator Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Mines moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

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

Voting in the affirmative, 22:

Aguilar	Cudaback	Jones	Price	Tyson
Beutler	Cunningham	Kremer	Schimek	Wehrbein
Bourne	Hartnett	Kruse	Schrock	
Burling	Janssen	McDonald	Stuthman	
Byars	Johnson	Mines	Thompson	

Voting in the negative, 11:

Bromm	Engel	Louden	Redfield
Combs	Hudkins	Quandahl	Smith
Connealy	Jensen	Raikes	

Present and not voting, 10:

Baker	Brown	Erdman	Maxwell	Stuhr
Brashear	Chambers	Foley	Mossey	Vrtiska

Excused and not voting, 6:

Friend	Pedersen, Dw.	Preister
Landis	Pederson, D.	Synowiecki

The Mines et al. amendment lost with 22 ayes, 11 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Mossey and Stuthman asked unanimous consent to be excused. No objections. So ordered.

Senator Bourne withdrew the Bourne et al. pending amendment, AM1717,

found on page 1641.

Senator Jensen offered the following amendment:

AM1758

(Amendments to Standing Committee amendments, AM1287)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 79-1001, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 79-1001. Sections 79-1001 to 79-1033 and section 5 of
- 5 this act shall be known and may be cited as the Tax Equity and
- 6 Educational Opportunities Support Act.
- 7 Sec. 5. Beginning with school fiscal year 2004-05, in
- 8 order for the school districts within a county to be eligible for
- 9 state aid pursuant to the Tax Equity and Educational Opportunities
- 10 Support Act, the county is limited to the number of school
- 11 administrations provided in the following table:
- 12

<u>County Population</u>	<u>Number of school administrations</u>
<u>0-1,000</u>	<u>1</u>
<u>1,001-5,000</u>	<u>2</u>
<u>5,001-10,000</u>	<u>4</u>
<u>10,001-20,000</u>	<u>6</u>
<u>20,001-or more</u>	<u>8</u>
- 18 For purposes of this section, school administration means
- 19 one superintendent, one principal per school building, necessary
- 20 support staff, and any other persons approved by the school board.
- 21 A school administration which is shared by two or more school
- 22 districts within a county pursuant to an agreement under the
- 23 Interlocal Cooperation Act or the Joint Public Agency Act is deemed
- 1 one school administration."
- 2 2. In the E & R amendments, AM7116, on page 10, line 19,
- 3 after the last comma insert "79-1001,".
- 4 3. Renumber the remaining sections accordingly.

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

SENATOR CUDABACK PRESIDING

Senator Jensen withdrew his amendment.

Pending.

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 210:
AM1804

(Amendments to Final Reading copy)

- 1 1. On page 2, line 23, strike "during any thirteen-week
- 2 period" and insert "for thirteen calendar weeks"; in line 24 after

3 the period insert "The act shall apply to an employer thirty days
 4 after the thirteenth such week."; and in line 28 strike beginning
 5 with "The" through "after".
 6 2. On page 3, strike line 1; in line 2 strike
 7 "section."; strike lines 6 through 17 and insert:
 8 "(5) If an employer to whom the act applies because the
 9 employer meets the requirements of subdivision (2)(d) of this
 10 section subsequently does not employ ten or more unrelated,
 11 full-time employees, such employer shall continue to provide
 12 workers' compensation insurance coverage for the employees for the
 13 remainder of the calendar year and for the next full calendar year.
 14 When the required coverage period has expired, such employer may
 15 elect to return to exempt status by (a) posting, continuously in a
 16 conspicuous place at the employment locations of the employees for
 17 a period of at least ninety days, a written or printed notice
 18 stating that the employer will no longer carry workers'
 19 compensation insurance for the employees and the date such
 20 insurance will cease and (b) thereafter no longer carrying a policy
 21 of workers' compensation insurance. Failure to provide notice in
 22 accordance with this subsection voids an employer's attempt to
 23 return to exempt status."; and in line 18 after "act" insert "under
 1 subsection (2) of this section".
 2 3. On page 4, strike beginning with "meeting" in line 2
 3 through line 3; in line 8 strike ", and (c)" and insert "and (b)";
 4 and in lines 12 and 13 strike "(2)(b), (2)(c)," and insert
 5 "(2)(c)".

ANNOUNCEMENT

Senator Wehrbein announced the Appropriations Committee will meet tomorrow upon adjournment.

VISITORS

Visitors to the Chamber were 20 members and teacher from the Waverly High School Leadership Academy; 41 third-grade students and teachers from St. Paul; 22 fourth-grade students, teacher, and sponsors from Republican Valley Schools, Indianola; and 39 eighth-grade students and teachers from Holt County Rural School, O'Neill.

The Doctor of the Day was Dr. James White from Omaha.

ADJOURNMENT

At 7:34 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, May 8, 2003.

Patrick J. O'Donnell
 Clerk of the Legislature