

FIRST DAY - JANUARY 7, 2004

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE

SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 2004

PRAYER

The prayer was offered by Senator Kruse.

PRESENTATION OF COLORS

Presentation of Colors by the 155th Air Refueling Wing of the Nebraska Air National Guard and the State Area Command of the Nebraska Army National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the Ninety-Eighth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 7, 2004, and was called to order by President Heineman.

The roll was called and the following members were present:

| | | |
|------------------------|---------------------|---------------------|
| Aguilar, Raymond | Friend, Mike | Preister, Don |
| Baker, Thomas C. | Hartnett, D. Paul | Price, Marian L. |
| Beutler, Chris | Hudkins, Carol L. | Quandahl, Mark |
| Bourne, Patrick J. | Janssen, Ray | Raikes, Ronald E. |
| Brashear, Kermit | Johnson, Joel T. | Redfield, Pam |
| Bromm, Curt | Jones, James E. | Schimek, DiAnna R. |
| Brown, Pam | Kremer, Bob | Schrock, Ed |
| Burling, Carroll | Kruse, Lowen | Smith, Adrian |
| Byars, Dennis M. | Louden, LeRoy J. | Stuhr, Elaine |
| Chambers, Ernie | Maxwell, Chip | Stuthman, Arnie |
| Combs, Jeanne M. | McDonald, Vickie D. | Synowiecki, John F. |
| Connealy, Matt | Mines, Mick | Thompson, Nancy |
| Cudaback, Jim D. | Mossey, Raymond | Tyson, Gene |
| Cunningham, Douglas D. | Pedersen, Dwite | Vrtiska, Floyd P. |
| Engel, L. Patrick | Pederson, Don | Wehrbein, Roger R. |
| Erdman, Philip | | |
| Foley, Mike | | |

The following members were excused:

| | |
|-------------|------------------|
| Jensen, Jim | Landis, David M. |
|-------------|------------------|

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-Eighth Legislature, Second Session, 2004.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-Eighth Legislature, Second Session, 2004.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of January in the year of our Lord, two thousand and four.

(SEAL)

John A. Gale, Secretary of State

| DISTRICT/NAME | ELECTED |
|----------------------|-----------------------------|
| 1 Floyd P. Vrtiska | November 7, 2000 |
| 2 Roger R. Wehrbein | November 5, 2002 |
| 3 Raymond Mossey | Appointed November 15, 2002 |
| 4 Kermit Brashear | November 5, 2002 |
| 5 Don Preister | November 7, 2000 |
| 6 Pam Brown | November 5, 2002 |
| 7 John F. Synowiecki | November 5, 2002 |
| 8 Patrick J. Bourne | November 5, 2002 |
| 9 Chip Maxwell | November 7, 2000 |
| 10 Mike Friend | November 5, 2002 |
| 11 Ernie Chambers | November 7, 2000 |
| 12 Pam Redfield | November 5, 2002 |
| 13 Lowen Kruse | November 7, 2000 |
| 14 Nancy Thompson | November 5, 2002 |
| 15 Ray Janssen | November 7, 2000 |
| 16 Matt Connealy | November 5, 2002 |
| 17 L. Patrick Engel | November 7, 2000 |
| 18 Mick Mines | November 5, 2002 |
| 19 Gene Tyson | November 7, 2000 |
| 20 Jim Jensen | November 5, 2002 |
| 21 Carol L. Hudkins | November 7, 2000 |
| 22 Arnie Stuthman | November 5, 2002 |
| 23 Curt Bromm | November 7, 2000 |
| 24 Elaine Stuhr | November 5, 2002 |
| 25 Ronald E. Raikes | November 7, 2000 |
| 26 Marian L. Price | November 5, 2002 |
| 27 DiAnna R. Schimek | November 7, 2000 |

| | | |
|----|-----------------------|------------------|
| 28 | Chris Beutler | November 5, 2002 |
| 29 | Mike Foley | November 7, 2000 |
| 30 | Dennis M. Byars | November 5, 2002 |
| 31 | Mark Quandahl | November 7, 2000 |
| 32 | Jeanne M. Combs | November 5, 2002 |
| 33 | Carroll Burling | November 7, 2000 |
| 34 | Bob Kremer | November 5, 2002 |
| 35 | Raymond Aguilar | November 7, 2000 |
| 36 | Jim D. Cudaback | November 5, 2002 |
| 37 | Joel T. Johnson | November 5, 2002 |
| 38 | Ed Schrock | November 5, 2002 |
| 39 | Dwite Pedersen | November 7, 2000 |
| 40 | Douglas D. Cunningham | November 5, 2002 |
| 41 | Vickie D. McDonald | November 5, 2002 |
| 42 | Don Pederson | November 5, 2002 |
| 43 | James E. Jones | November 7, 2000 |
| 44 | Thomas C. Baker | November 5, 2002 |
| 45 | D. Paul Hartnett | November 7, 2000 |
| 46 | David M. Landis | November 5, 2002 |
| 47 | Philip Erdman | November 7, 2000 |
| 48 | Adrian Smith | November 5, 2002 |
| 49 | LeRoy J. Loudon | November 5, 2002 |

RESIGNATION

December 2, 2003

Governor Mike Johanns
State Capitol
Lincoln, Nebraska 68509

Dear Governor:

After careful consideration I wanted to let you know that I resign my position as State Treasurer effective January 6, 2004 at 5:00 p.m.

As I explained to you earlier this week I feel it is necessary to provide time for a smooth transition. Current staff can be interviewed and informed of their status. This will provide them adequate time to pursue other opportunities if necessary. New staff can be brought on board and fully trained before January 6, 2004.

As the end of the year approaches several key areas of the office are affected. Namely child support and alimony payments tend to increase, enrollment increases in the College Savings Plan and Unclaimed Property processes incoming holder reports. Treasury Management staff are responsible for processing important payments to political subdivisions at the end of December. We remain committed to providing the highest level of service possible to the taxpayers during the transition.

It has been a pleasure to work in state government and serve my fellow Nebraskans. We have so much to be proud of and I am thankful that I had an opportunity to serve as State Treasurer and accomplish so much. Assets in the College Savings Plan were \$20 million when I became State Treasurer---I worked hard to improve and strengthen our College Savings Plan and assets now total approximately \$500 million. Unclaimed Property was returned at new record levels. Technology increased our efficiencies in every area and we worked with you to transition the entire child support collection and disbursement system.

God bless you and your family as you prepare to celebrate Christ's birth.

Sincerely,
(Signed) Lorelee Byrd
State Treasurer

MESSAGES FROM THE GOVERNOR

December 3, 2003

Ms. Lorelee Byrd
Office of the State Treasurer
State Capitol Building
Lincoln, Nebraska 68509

Dear Lorelee:

I have received your letter of resignation as State Treasurer. I hereby accept your resignation to be effective January 6, 2004. Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

cjc

cc: Jon Bruning
Patrick O'Donnell

January 6, 2004

Mr. Ron Ross
6649 Flint Ridge Road
Lincoln, Nebraska 68506

Dear Ron:

You have been appointed to serve out the current term of the Nebraska State Treasurer, effective January 6, 2004 at 5:00 pm.

I appreciate your commitment to serving the citizens of the State of Nebraska and wish you the best as you fulfill the responsibilities of the Office of State Treasurer.

Sincerely,
(Signed) Mike Johanns
Governor

cjc

June 23, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEES:

Toby J. Miller, 538 Eleanor Dr, Valentine NE
Jack D. Henry, 1207 Birch Ct, Aurora NE 68818
Kelly B. Smith, 120 Mill Park Dr, North Platte NE 69101

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

June 25, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Liquor Control Commission.

APPOINTEE:

Rhonda R. Flower, 730 18th St, Gering NE 69341

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

June 25, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been
reappointed to the Accountability and Disclosure Commission.

APPOINTEE:

Marilee A. Fredrickson, 2302 S 184th Circle, Omaha NE 68136

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

June 26, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been
appointed to the Commission for the Deaf and Hard of Hearing.

APPOINTEES:

Kenya S. Taylor, 1613 8th Avenue, Kearney NE 68845
Cecelia J. Bevard, 906 Jefferson, Gothenberg NE 69138
Margaret Coleman*, PO Box 80173, Lincoln NE 68512
James P. Devaney, 1704 N 85th St, Omaha NE 68114

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

July 8, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been appointed to the Public Employees Retirement Board.

APPOINTEES:

Roger Rea, 12914 Pacific St, Omaha NE 68154
Daniel Contonis*, 907 Cheyenne, Alliance NE 69301

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

July 21, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Power Review Board.

APPOINTEE:

Eugene Bade, # 13 Village Dr - Lochland, Hastings NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 6, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Community Corrections Council.

APPOINTEES:

Julie Hippen, 722 N 13th St, Beatrice NE 68310
William Burgess, 430 S 9th St., Geneva NE 68361
Catherine Cook, 10827 Blondo St, Omaha NE 68164
Scot Adams, 3116 S 58th St, Omaha NE 68106
Aileen Gruendel, 1920 Barbara, Grand Island NE 68803
Joe Kelly, 5822 Fieldcrest Way, Lincoln NE 68512
Robert Lindemeier, 219 N Bryan, North Platte NE 69101

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to

the Nebraska Arts Council.

APPOINTEES:

*Janet Korell, 602 Norris Ave, McCook NE

*Nancy Schwertley, 1214 Fieldcrest Dr, Norfolk NE 68701

*Fred Simon, 442 S 82nd Ave, Omaha NE 68114

Steven Bloch, 9966 Hascall, Omaha NE 68124

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

November 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Environmental Trust Board.

APPOINTEES:

*Robert Krohn, 1427 S 85th Ave, Omaha NE 68124

John Campbell, 710 N 38th St, Omaha NE 68132

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

November 24, 2003

President, Speaker Bromm
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Educational Telecommunications Commission.

APPOINTEE:

Stan Carpenter, 6731 Crooked Creek Dr, Lincoln NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the State Highway Commission.

APPOINTEE:

Donna Wanitschke, 1611 Stagecoach Dr, Grand Island NE 68801

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was reappointed to the Board of Educational Lands and Funds.

APPOINTEE:

Demarus Carlson, 310 W Harold St, Crofton NE 68730

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

December 5, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Motor Vehicle Licensing Board.

APPOINTEE:

Darlene J. Noah, 900 S Myrtle, Kimball NE 69145

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

December 15, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Environmental Quality Council.

APPOINTEES:

*Janet Bernard, 301 N Bryan Ave, North Platte NE 69101

Tom Miller, 2400 Hardison Dr, Norfolk NE 68701
*Steve Oltmans, 8901 S 154th St, Omaha NE 68138
Debra McDowell, 793 Worms Rd, Grand Island NE 68801
*Jodi Thompson, Box 427 Hwy 61, Imperial NE 69033
Donald Williams, PO Box 245, Orchard NE 68764

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 15, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was reappointed to the Environmental Quality Council.

APPOINTEE:
John T. Baker, 2213 4th Ave, Scottsbluff NE 69361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

Enclosure

December 15, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was reappointed to the Nebraska Investment Council.

APPOINTEE:

Gail Werner-Robertson, 1215 N 136th St, Omaha NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

Enclosure

December 15, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Rural Health Advisory Commission.

APPOINTEES:

*Michael Sitorius, MD, 8115 Jackson St, Omaha NE 68114

Rebecca Schroeder, Box 4 212 W 9th St, Curtis NE 69025

*Donald Fry, MD, 22412 Schram Road, Gretna NE 68028

Roger Wells, 1518 Jay St, St Paul NE 68873

*William Welch, 905 5th Ave #206, Fairbury NE 68352

Angela Brennan, 12650 Holmes St, Omaha NE 68137

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 15, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the State Personnel Board.

APPOINTEE:

Jeanne V. Ross, 3215 5th Ave, Kearney NE 68845

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

Enclosure

December 17, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska State Fair Board.

APPOINTEE:

Francis Partsch, 3122 S 104th St, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 18, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Board of Public Roads Classifications and Standards.

APPOINTEES:

- *Rich Ruby, 3121 Williamsburg Dr, Lincoln NE 68516
- *Henry Vieregger, 10628 Decatur, Omaha NE 68114
- *James Bauer, 309 Morton Dr, Beatrice NE 68310
- *Henry Thieman, PO Box 84 2nd St, Petersburg NE 68652
- *Ed Wooten, 304 W Mission Ave, Bellevue NE 68005
- *Tim Schram, 14602 S 234th St, Gretna NE 68028
- *Darold Tagge, 204 W 15th, Holdrege NE 68949

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 18, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Beginning Farmer Board.

APPOINTEES:

- *Timothy Schram, 14602 S 234th St, Gretna NE 68028
- Dr. Mark Darrell, 3041 Meridian Dr # 428, Lincoln NE 68504
- *Dale Pohlmann, 301 W Sherman, Poole NE 68869
- Bert Garvin, RR 2 Box 218-A, Pierce NE 68767
- Donald Anthony, 43970 Road 758, Lexington NE 68850

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 22, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the Tax Equalization and Review Commission.

APPOINTEE:

*Robert L. Hans, 7200 Old Post Rd Unit 10, Lincoln NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 22, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Emergency Medical Services.

APPOINTEE:

George Tom Surber, MD, 1202 Norfolk Ave, Norfolk NE 68701

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

Enclosure

December 22, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Ethanol Board.

APPOINTEES:

Tim L. Else, RR 1 Box 27, Belvidere NE 68135

*Dave Hilferty, 512 Mitchem Ave, Grant NE 69140

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment

Enclosure

December 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual was reappointed to

the Environmental Quality Council.

APPOINTEE:

James Whitaker, 211 West 3rd St, North Platte NE 69101

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

Enclosure

December 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were reappointed to the Board of Emergency Medical Services.

APPOINTEES:

David T. Engler, 7320 Country Hill Circle, Lincoln NE 68516

*Val D. Snyder, 25 Toluca Lane, Gering NE 69341

*Dan L. Hakel, 760 East Willow St, West Point NE 68788

*Joel E. Cerny, 2411 Road 45, Linwood NE 68036

*Ronald F. Balthazor, 1502 N Monroe, Lexington NE 68850

*Robert K. Olson, 409 Crest Dr, Papillion NE 68046

*Earl Rudolph, 15423 South 99th, Papillion NE 68046

*Bruce A. Beins, RR 1 Box 60A, Republican City NE 68971

*Diane L. Yetter, 909 N 150th St, Omaha NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 29, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were reappointed to the State Board of Health.

APPOINTEES:

*Dr. Kent H. Forney, 5720 Old Cheney Rd, Lincoln NE 68516
*Dr. Jerry Vaughan, 1345 Memorial Dr, Broken Bow NE 68822
Dr. Gwen Weber, 8309 Jackson St, Omaha NE 68114
Timothy Crockett, 13529 Taylor St, Omaha NE 68164
Clinton Schafer, 2329 North Game Trail Rd, North Platte NE 69101

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 31, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission for the Blind and Visually Impaired.

APPOINTEES:

*William Orester, 5416 South 31st St, Lincoln NE 68516
*Barbara Loos, 2224 S 35th St, Lincoln NE 68506
*Robert Burns, 15356 Page St, Omaha NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

December 31, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Crime Victim's Reparations Committee.

APPOINTEES:

Scott Arnold, 412 N Custer Ave, Grand Island NE 68803

*Scot Ford, PO Box 861, South Sioux City NE 68776

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

web/

*Reappointment
Enclosure

January 2, 2004

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

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals were appointed to the Child Abuse Prevention Fund Board.

APPOINTEES:

Jennie Cole-Mossman, 2710 Sewell St, Lincoln NE 68502
 Debra Phelps, 902 Wynnwood Ln, Papillion NE 68046
 *Dale Baker, 4710 Tara Court, Grand Island NE 68801

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
 (Signed) Mike Johanns
 Governor

web/

*Reappointments
 Enclosure

December 24, 2003

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

Dear Mr. President, Speaker Bromm and Senators:

Please withdraw Daniel Contonis' name from confirmation to the Public Employees Retirement Board effective 12/31/03, due to his resignation.

Thank you.

Sincerely,
 (Signed) Mike Johanns
 Governor

vfp/

ATTORNEY GENERAL'S OPINIONS

Opinion # 03026

DATE: December 5, 2003

SUBJECT: Authority of an "Acquisition Agency" Established Pursuant to the Nebraska Public Safety Wireless Communication System Act to Exercise Eminent Domain Power.

REQUESTED BY: Senator Gene Tyson
 Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General

L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the authority of an "acquisition agency" established under the Nebraska Public Safety Wireless Communication System Act, Neb. Rev. Stat. §§ 86-401 to 86-419 (Cum. Supp. 2002) [the "Act"], to exercise eminent domain power to acquire real or personal property. The Act provides a mechanism for the establishment of a statewide public safety communication system. To establish such a system, the Act permits the creation of two separate joint entities. The first joint entity is an "acquisition agency" established pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §§ 86-404 and 86-410(1) (Cum. Supp. 2002).¹ The "acquisition agency" is empowered "to acquire real and personal property for use in connection with such system and shall construct any facilities necessary to implement such system. . . ." Neb. Rev. Stat. § 86-410(1) (Cum. Supp. 2002). "An acquisition agency may acquire real and personal property and may construct facilities based upon (a) the implementation plan, (b) the ongoing advice and assistance of the board and the division, and (c) the determinations made by the members of the governing body of the acquisition agency." Neb. Rev. Stat. § 86-414(1) (Cum. Supp. 2002).² The second joint entity is an "alliance" formed under the Interlocal Cooperation Act, Neb. Rev. Stat. §§ 86-405 and 86-410(2) (Cum. Supp. 2002). The "alliance" is authorized "to operate, maintain, and manage the system." Neb. Rev. Stat. § 86-410(2) (Cum. Supp. 2002). "An alliance may have all powers authorized under the Nebraska Public Safety Wireless Communication System Act and the Interlocal Cooperation Act and may operate, maintain, and manage the system pursuant to an operating agreement entered into by the acquisition agency and the alliance." Neb. Rev. Stat. § 86-414(2) (Cum. Supp. 2002). Your specific question concerns whether an "acquisition agency" has the authority to use the power of eminent domain to acquire real or personal property. You indicate you are considering amendatory legislation if we conclude an "acquisition agency" lacks eminent domain power under existing law.

"Eminent domain is defined generally as the power of the nation or a state, or authorized public agency, to take or to authorize the taking of private property for a public use without the owner's consent, conditioned upon the payment of just compensation." *Krambeck v. City of Gretna*, 198 Neb. 608, 614, 254 N.W.2d 691, 694 (1977) (citing 26 Am. Jur. 2d Eminent Domain § 1). Eminent domain power "belongs to the state and may be exercised either directly by the Legislature or through the medium of corporate bodies, which includes municipalities, or of individual enterprises to whom it sees fit to delegate such power in the public's interest." In re Condemnation of Blocks 13, 14, 15, *Koehler's Subdivision, City of Grand Island*, 144 Neb. 67, 69, 12 N.W.2d 540, 541 (1943). "[T]he power of eminent domain may be exercised only on the occasion and in the mode or manner prescribed by the Legislature." *Sanitary and Improvement Dist. No. 1 v. Nebraska Public Power Dist.*, 253 Neb. 917, 922, 573 N.W.2d 460, 465 (1998); accord *Engelhaupt v. Village of Butte*, 248 Neb. 827, 539 N.W.2d 430 (1995); *Krauter v. Lower Big Blue Natural Resources Dist.*, 199 Neb.

431, 259 N.W.2d 472 (1977). "Statutes conferring and circumscribing the power of eminent domain must be strictly construed." *Sanitary and Improvement Dist. No. 1 v. Nebraska Public Power Dist.*, 253 Neb. at 922, 573 N.W.2d at 465.

Recently, in Op. Att'y Gen. No. 03008 (April 9, 2003), we addressed whether joint entities organized under the Act were required to engage in competitive bidding in performing their duties regarding creation of a statewide public safety communication system. Addressing this issue, we observed that nothing in the Act or the Interlocal Cooperation Act "specifically require[d] competitive bidding with respect to the duties of either the Acquisition Agency or the Alliance." *Id.* at 3. While noting that § 13-804(5) of the Interlocal Cooperation Act provided that no agreement under that Act relieved any public agency of an obligation or responsibility imposed upon it by law, except to the extent that such an obligation was performed by the joint agency created under the Interlocal Cooperation Act, we concluded "that § 13-804(5) [was] inapplicable to the circumstances surrounding your question because the authority of the Alliance to engage in its activities grows out of the Nebraska Public Safety Wireless Communication System Act itself, and not out of the particular statutes pertinent to each of the individual participants in the Alliance." *Id.* We thus concluded the Alliance was not required to engage in competitive bidding under the Act. *Id.* at 3-4.

A review of the Act reveals no specific grant of eminent domain power to an "acquisition agency." The Act provides that an "acquisition agency" may "acquire any real and personal property and construct facilities to be made available for use in connection with the system." Neb. Rev. Stat. § 86-404 (Cum. Supp. 2002); see also Neb. Rev. Stat. § 86-410(1) (Cum. Supp. 2002) ("An acquisition agency shall acquire real and personal property for use in connection with such system and shall construct any facilities necessary to implement such system."). The Act allows an "acquisition agency" to acquire real and personal property to be used as part of the system, but contains no specific language granting eminent domain power to an "acquisition agency." In the absence of a clear delegation of the power of eminent domain to an "acquisition agency," it appears that the Act does not presently authorize an "acquisition agency" to exercise eminent domain power.

It could be argued that, since an "acquisition agency" is a joint entity created under the Interlocal Cooperation Act, it is empowered to exercise eminent domain power under § 13-804 of the Interlocal Cooperation Act. Subsection 1 of § 13-804 provides, in part: "Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state. . . ." Neb. Rev. Stat. § 13-804(1) (Cum. Supp. 2002). As various entities which can form an "acquisition agency" as a "joint entity" under the Interlocal Cooperation Act may individually possess eminent domain power for particular purposes, this broad language could perhaps be

construed to allow an "acquisition agency" to exercise eminent domain power.

We do not believe any eminent domain power possessed by individual political subdivisions which form an "acquisition agency" warrants concluding that an "acquisition agency" may exercise the power of eminent domain in connection with creating or establishing a system under the Act. Consistent with the reasoning in our earlier opinion, we conclude that the powers which may be exercised by an "acquisition agency" are those set forth in the Act, and not those which individual members of an "acquisition agency" may exercise independent of the Act. See Op. Att'y Gen. No. 03008 at 3.³

This result is supported by the Supreme Court of Oklahoma's decision in *Rollow v. West*, 479 P.2d 962 (Okla. 1971). The question presented in *Rollow* was whether the Southern Oklahoma Development Association ["SODA"], a voluntary association organized under Oklahoma's Interlocal Cooperation Act consisting of seven counties and some cities and towns within the counties, had authority to exercise the power of eminent domain to condemn buildings to be used for a parking lot. The owners of the land SODA sought to condemn asserted the Interlocal Cooperation Act did not authorize SODA to exercise eminent domain power. *Id.* at 963. Agreeing with the landowners' contention that SODA lacked such power, the Oklahoma court stated:

Our inquiry need extend no further than to determine whether SODA is granted the power of eminent domain under the Interlocal Cooperation Act. We hold that a separate legal or administrative entity, created by agreement of the signatory local governmental units or public agencies, is not vested with the power of eminent domain by the Interlocal Cooperation Act.

The Act by its terms contemplates cooperation or joint exercise between the various governmental entities of activities permitted of the individual entities. The Act does not create new powers to be exercised independently by the legal or administrative agency. We find no clear legislative authority in the Interlocal Cooperation Act to justify the taking of property in derogation of the rights of citizens.

It follows that the power of eminent domain is not granted to SODA by the Act. The mere statutory authorization for voluntary associations of public agencies created by written agreement is not a specific enactment by the Legislature designating the occasions, the modes, and the agencies by and through which the fundamental power to exercise the right of eminent domain may be placed in operation.

Id. (emphasis in original).

The provisions of the Oklahoma Interlocal Cooperation Act outlining the powers of public agencies entering into agreements for the joint exercise of powers are virtually identical to those contained in Nebraska's Interlocal Cooperation Act. Compare 74 Okla. Stat. Ann. § 1004 (2002) with Neb. Rev. Stat. § 13-804 (Cum. Supp. 2002). Based on the reasoning in Rollow, we believe that the authority for public agencies to enter into agreements under the Interlocal Cooperation Act does not constitute a specific enactment delegating the exercise of the power of "eminent domain" to a "joint entity" created pursuant to the Interlocal Cooperation Act.

In sum, we conclude that, under existing law, an "acquisition agency" created under the Act is not authorized to exercise the power of eminent domain to acquire real or personal property to create a statewide public safety wireless communication system. Accordingly, amendatory legislation specifically granting eminent domain power to an "acquisition agency" for this purpose, which outlines the mode or manner in which such power may be exercised, is required before an "acquisition agency" may use the power of eminent domain to acquire real or personal property to establish a system under the Act.

¹ The Interlocal Cooperation Act is found at Neb. Rev. Stat. §§ 13-801 to 13-827 (1997 and Cum. Supp. 2002).

² The "board" referred to in § 86-414(1) is the Public Safety Wireless Communication Advisory Board created by Neb. Rev. Stat. 86-419 (Cum. Supp. 2002), and the "division" referenced in § 86-414(1) is "the division of communications of the Nebraska Department of Administrative Services." Neb. Rev. Stat. §§ 86-406 and 86-407 (Cum. Supp. 2002).

³ It is our understanding that, at present, the "acquisition agency" agreement establishing the "Public Safety Communications Agency of Nebraska" ["PSCAN"] has been executed by the following member municipalities, counties, power districts, and/or fire districts: Nebraska City, Norfolk, Hadar Fire District, and Richardson County. The history of the Act indicates the State is precluded from participating as a party to any agreement to form an "acquisition agency" because an "acquisition agency" may engage in debt financing through the issuance of bonds. Committee Records on LB 1211, 97th Leg., 2nd Sess. 11-13, 16-18 (February 4, 2002); Floor Debate on LB 1211, 97th Leg., 2nd Sess., 11000, 11010 (March 6, 2002). The intent to exclude the State or its agencies from being parties to an "acquisition agency" agreement stems from the constitutional limit on the State incurring indebtedness. Neb. Const. art. XIII, § 1. Depending on the nature of the particular public agencies or political subdivisions which may enter into an agreement to form an "acquisition agency", the limits on the use of the power of eminent domain imposed by statute on various agencies or subdivisions further demonstrates these specific powers cannot be exercised by an "acquisition agency" to obtain property for a public safety communications system. See, e.g., Neb. Rev. Stat. § 3-203 (1997) (Granting municipality eminent domain power to acquire property for airport purposes); Neb. Rev. Stat. § 14-366 (1997) (Granting metropolitan class city eminent domain power to acquire property for, inter alia, streets, parks,

recreational uses, as well as for waterworks, gas plants or other municipal utility purposes); Neb. Rev. Stat. § 15-229 (1997) (Authorizing primary class cities to use eminent domain power to acquire real or personal property for "public purpose".); Neb. Rev. Stat. § 23-108 (1997) (Granting county eminent domain power to acquire land for road purposes); Neb. Rev. Stat. § 70-301 (1996) (Authorizing public power districts, corporations, or municipalities power to obtain right-of-way for construction of pole lines or underground lines necessary for the conduct of electric business); Neb. Rev. Stat. § 86-591 (Cum. Supp. 2002) (Authorizing counties to use eminent domain power to establish public telephone systems).

Sincerely,
JON BRUNING
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
07-43-21

Opinion # 03028

DATE: December 22, 2003
SUBJECT: Salaries of Probation Officers, LB 789
REQUESTED BY: John Synowiecki, Senator
Nebraska State Legislature
WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office regarding LB 789. This bill was introduced on January 22, 2003 with the "intent to ensure that probation officers receive equal pay raises and cost of living adjustments when other state employees with similar responsibilities receive them." Specifically, LB 789 would amend Neb. Rev. Stat. § 29-2257 to provide that "[P]robation officers shall be compensated with salaries and cost of living increases equal to the salary increases for members of the state employees' collective bargaining units." You have posed four questions concerning § 29-2257 and the proposed amendment as follows:

1. LB 789 seeks to change provisions under Neb. Rev. Stat. § 29-2257. Whether current statutory language under § 29-2257, specifically "probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities", compels the Supreme Court, specifically Probation Administration, to afford probation officers substantially similar salaries.

2. Whether the Nebraska Supreme Court can be statutorily required to provide salary and cost of living increases substantially equal to the salary increases and cost of living increases of members of the state employees' collective bargaining unit as provided for in LB 789.
3. Whether the Probation Administration can be statutorily required to provide salary and cost of living increases substantially equal to the salary increases and cost of living increases of members of the state employees' collective bargaining unit as provided for in LB 789.
4. Whether cost of living adjustments are already included in the interpretation of the word "salaries" as it exists in § 29-2257.

We will first address the constitutional issues presented by questions 2 and 3. As you have indicated in your request letter, the fact that the probation officers are employees of the judicial branch requires us to examine the separation of powers doctrine.¹ The principle of separation of powers is embodied in Article II, Section 1 of the Nebraska Constitution which provides that:

The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

We have previously discussed the importance of this constitutional provision in a number of opinions, including Op. Att'y Gen. No. 02012. In that opinion we discussed the history and importance of the principle of separation of powers, the purpose of which "is to establish the permanent framework of our system of government and to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted." *State v Philipps*, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994). We noted that our state constitution specifically prohibits the exercise of any power belonging to one sphere by either of the others and that Nebraska's separation of powers provision is more rigorous than other jurisdictions' and has been strictly construed by the Nebraska Supreme Court.

The question presented by LB 789 is whether this proposed law would unduly encroach on the duties and prerogatives of the judicial branch. We start with the proposition that the Nebraska Legislature has extensive authority. "The Nebraska Constitution is not a grant, but, rather, is a restriction on legislative power, and the Legislature may legislate upon any subject not inhibited by the Constitution." *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996).

We must also look at the nature of judicial power. "Generally judicial

power is the authority to hear and determine a controversy as to rights and upon such determination to render a judgment binding upon the disputants." *Laverty v. Cochran*, 132 Neb. 118, 122, 271 N.W. 354, 357 (1937). In addition to the authority to adjudicate controversies between adverse parties, the judicial branch has additional powers or duties necessary for the court to conduct the administration of justice such as regulating the practice of law or regulating matters of court procedures. A number of Nebraska cases have involved a question of whether the Legislature may regulate the practice of law. In *State ex rel. Ralston V. Turner*, 141 Neb. 556, 4 N.W.2d 302 (1942), the issue was whether the Court must acquiesce in the qualifications for admission to the bar prescribed by the Legislature. The Court held that the "power to admit applicants to practice law is judicial, not legislative, and invested in courts only...." *Id.* at 568 (quoting *In Re Cate*, 273 P. 617). "A court has certain inherent powers within the scope of its jurisdiction that exist apart from any constitutional or statutory authority. They allow the court to take such actions reasonably necessary to administer justice efficiently, fairly, and economically and are essential to the court's existence, dignity, and functions." 20 Am. Jur. 2d § 43. "Accordingly, the Legislature cannot limit the exercise of inherent judicial power, such being essential to the existence of the court and the orderly and efficient exercise of the administration of justice. Inherent judicial power exists in addition to the express grants of judicial power to each court and originates in the mandate of the Nebraska Constitution of the separation of powers between three coequal branches, or departments, of government." *State v. Joubert*, 248 Neb. 287, 294-5, 518 N.W.2d 887, 893 (1994).

You have asked whether the Nebraska Supreme Court, or the Probation Administration which by statute is responsible to the Court, can be statutorily required to provide salary and cost of living increases² substantially equal to the salary increases and cost of living increases of members of the state employees' collective bargaining units. The proposed legislative enactment must be examined to determine whether it would unduly influence or serve to control the operation of the Court in violation of the separation of powers provision.

We have previously discussed whether court employees can become members of a union and, in so doing, be represented in collective bargaining negotiations. *Op. Att'y Gen. No. 00012*. Based on the principle of Supreme Court supremacy and the separation of powers doctrine, we opined that it was unlikely that the Supreme Court would allow itself to be subjected to the jurisdiction of the Commission of Industrial Relations. Those doctrines, therefore, raised serious questions as to whether unionization of supreme court employees would be permissible.

In an earlier opinion of this office, we examined the constitutionality of a statutory ban on smoking in state facilities. *Op. Att'y Gen. No. 94014*. The question was whether the regulation of smoking, by the Legislative branch, constituted "the exercise of a power properly belonging to either the Executive or the Judicial branches within the context of buildings or

facilities occupied or controlled by those respective branches of state government." We there concluded that the regulation of smoking in state buildings, facilities and vehicles did not present a separation of powers conflict as "[T]he regulation of smoking, even in those facilities controlled or occupied by the Executive and Judicial branches would not appear to prevent the affected branch from accomplishing its constitutionally assigned functions, nor would such regulation encroach on the duties and prerogatives of the Executive or Judicial branches."

We are unable to determine with certainty how the Nebraska Supreme Court would rule as to the constitutionality of LB 789, but the mandating of certain salary increases for employees in the Judicial branch could well be viewed as the Legislature unduly controlling the management and administration of the judicial branch through legislation relating to compensation. In our view, the more specific or detailed the legislative enactment and the less flexibility or discretion afforded the Court and probation administrator in determining salaries, the more likely the statute would be found to violate Article II, Section 1. The Nebraska Supreme Court has dealt with a similar question in *Board of Regents of University of Nebraska v. Exon*, 199 Neb. 146, 256 N.W.2d 330 (1977). While this case did not concern the judicial branch, it did concern an independent body, the Board of Regents, created by our state constitution. The Court held that the Legislature encroached on the authority of the Board of Regents in attempting to determine the manner in which raises were to be given to its employees. "The determination of salary schedules and the compensation to be paid to the employees of the Board of Regents is an integral part of the general government of the University." *Id.* at 152, 256 N.W.2d at 335. Based upon the authorities discussed above, we conclude that the separation of powers doctrine raises serious questions whether the language of LB 789 would be permissible.

Returning to your first question, you ask whether the current statutory language of § 29-2257 compels the Supreme Court, and specifically the Probation Administration, to afford probation officers salaries substantially equal to other state employees who have similar responsibilities. The statute, on its face, does purport to require the Supreme Court (and Probation Administration) to pay probation officers substantially similar salaries. Reading the first question in the content of your opinion request letter, it appears that you are inquiring whether the current statute is constitutionally suspect. We must respectfully decline to answer. Our long-standing policy is that we will not issue legal opinions to state legislators concerning the constitutionality of existing statutes. *Op. Att'y Gen. No. 157* (December 24, 1985). That policy is based, in part, upon the practical consideration that we may be called upon to defend the constitutionality of existing laws.

Your fourth question is whether cost of living adjustments are already included in the interpretation of the word "salaries" as it exists in § 29-2257. As previously discussed in footnote 2, state employees do not currently receive automatic cost of living increases as that term is generally defined.

In any event, the term salary is a general one meaning "fixed compensation paid regularly for services". Webster's New Collegiate Dictionary (1979). In our view it would not necessarily include the cost of living increases which you propose.

¹ Neb. Rev. Stat. § 29-2249 creates the Office of Probation Administration within the judicial branch, which office is directly responsible to the Supreme Court. The probation administrator, appointed by the Supreme Court, hires probation officers and employees for each probation district. Neb. Rev. Stat. §§ 29-2251, 29-2253(2).

² We note that, as defined in Black's Law Dictionary 312 (5th ed. 1979), a cost of living clause is a provision "giving an automatic wage or benefit increase tied in some way to cost of living rises in the economy. Cost of living is usually measured by the Consumer Price Index (CPI)." To our knowledge, state employees included in collective bargaining units do not receive automatic increases of this nature. You may be referring to a step pay plan that has afforded increases for certain state employees on January 1 of the past few years.

Sincerely,
 JON BRUNING
 Attorney General
 (Signed) Lynn A. Melson
 Assistant Attorney General

pc: Patrick O'Donnell, Clerk of the Legislature
 9-62-24

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Information Technology Commission Project Status Summary as of June 30, 2003

Risk Management/State Claims Board, report indicating all claims and judgments decided under the provisions of the State Tort Claims Act and the State Miscellaneous Claims Act for period July 1, 2002 to June 30, 2003

Agriculture, Department of

Beginning Farmer Tax Credit Act Annual Report

Arts Council

Nebraska Arts and Humanities Cash Fund Report

Auditor of Public Accounts

Advisory letter for the following:

Health and Human Services System, Tobacco Settlement Funds

Health and Human Services System, Nursing Facilities

Intergovernmental Transfers, 1/1/01-12/31/02

Purchasing/Contracting Procedures and Controls for the State of Nebraska dated December 11, 2002, supplement to the advisory letter Attestation examination report for the following:

Environmental Quality, Department of, as of 6/19/03

Environmental Quality, Department of, as of 6/30/03

Treasurer, State, as of 1/8/03

Audit reports for the following:

Administrative Services, Department of, Distribution of Aid to Community Colleges

Agriculture, Department of

Corn Development, Utilization, and Marketing Board

Correctional Services, Department of, Cornhusker State Industries

Environmental Quality, Department of, Clean Water State Revolving Fund Program

Environmental Quality, Department of, Drinking Water State Revolving Fund Program

Ethanol Board

Grain Sorghum Development, Utilization, and Marketing Board

Health and Human Services, Department of, Child Support Enforcement and the State Treasurer State Disbursement Unit Agency Funds

Health and Human Services System, Department of, Program 30 - Tobacco Prevention and Control

Health and Human Services Finance and Support, Program 175 - Medical Student Assistance

Health and Human Services System, Program 342 - Nursing Facility Conversions

Health and Human Services System, Program 343 - Excellence in Health Care Grants

Lottery

Natural Resources, Department of

Property Assessment and Taxation, Department of

Treasurer, State

Wheat Development, Utilization, and Marketing Board

Management letter for the following:

Environmental Quality, Department of, Clean Water State Revolving Fund Program

Environmental Quality, Department of, Drinking Water State Revolving Fund Program

State of Nebraska Statewide Single Audit Performed by KPMG

Correctional Services, Department of

Work Ethic Camp Annual Report

Economic Development, Department of

2002-03 Annual Report

Local Civic, Cultural, and Convention Center Financing Fund Annual Report

Nebraska Community and Rural Development Consolidated Plan Proposed 2002 Annual Performance Report

Environmental Quality, Department of

Annual Report

Ethanol Board

Ethanol Production Incentive Cash Fund (EPIC) Report

Fire Marshal, State

Volunteer Emergency Responders Recruitment and Retention Act

Fiscal Office, Legislative

Biennial Budget Report for FY2003-04 and FY2004-05

Monthly Consensus Estimates of General Fund Receipts, FY Beginning July 1, 2003

Re-certification of General Fund net receipts for fiscal year beginning July 1, 2003. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced October 31, 2003.

Game and Parks Commission

2003 Recreation Road Report

Game Law Investigation Cash Fund Report for FY 2003

Governor's Policy Research Office (See Policy Research Office, Governor's)**Health and Human Services System**

2003 LB 692 Report

Child Welfare Staffing Report for 2002

Community Service Program Employable General Assistance Recipients Report

Cost Sharing in the Medicaid Program Annual Report

Medicaid Eligibility, Annual Report on the LB 8 Changes

Medicaid Eligibility, Fourth Quarterly Report on the LB 8 Changes

Office of the System Advocate Quarterly Report, April-June 2003

Office of the System Advocate Quarterly Report, July-September 2003

Office of Women's Health Annual Report

Insurance, Department of

Interstate Insurance Receivership Commission, 2002 Annual Report

Investment Council

Northern Ireland Investment Requirements under LB 1066

Investment Finance Authority

2002 Series A, B, C, D, E, and F Community Development Loan Notes (City of Lincoln Program-2002) Quarterly Reports

2003 Series A, B & C Single Family Housing Revenue Bonds

2003 Series G.O. 15

Agricultural Division, individual reports of loans for FY July 1, 2002, through June 30, 2003

Clean Water State Revolving Fund Revenue Bonds Series 2002 C Quarterly Reports

Drinking Water State Revolving Fund Program

Drinking Water State Revolving Fund Revenue Bonds Series 2002 A Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2003 A Quarterly Reports

Single Family Bonds Notice

Single Family Housing Revenue Bonds Series 2000 EFG and General Obligation Bonds Series 2000 G.O.-11 Quarterly Reports
 Single Family Housing Revenue Bonds Series 2003 ABC and General Obligation Bonds Series 2003 G.O.-15 Quarterly Reports
 Single Family Housing Revenue Bonds Series 2003 D & E Notice
 Wastewater Treatment Facilities (Clean Water) State Revolving Fund Program

Labor, Department of

Meatpacking Industry Worker's Bill of Rights Report
 Workforce Investment Board recommended modification to the Nebraska Strategic Five Year Plan for the provision of services under Title I of the Workforce Investment Act (WIA) and the Wagner-Peysner Act

Legislative Research Division

Boards and Commissions in Nebraska Report, 2003

Liquor Control Commission

Report concerning effectiveness of keg registration legislation

Motor Vehicles, Department of

2002 Annual Report

Natural Resources, Department of

State Water Planning and Review Process Annual Report and Plan of Work

Performance Audit Committee, Legislative

Committee Report, Nebraska Board of Parole

Policy Research Office, Governor's

Municipal Natural Gas Regulation Revolving Loan Fund for the period ending May 30, 2003

Postsecondary Education, Coordinating Commission for

Revenue Bond Project Evaluation Forms

Public Counsel/Ombudsman

2003 Thirty-Second Annual Report

Public Service Commission

2003 Annual Report on Telecommunications

Retirement Systems, Public Employees

County Employees' Actuarial Report, January 1, 2003 - June 30, 2005

Judges' Retirement System Actuarial Report, July 1, 2003 - June 30, 2005

School Retirement System Actuarial Report, July 1, 2003 - June 30, 2005

State Employees' Actuarial Report, January 1, 2003 - June 30, 2005

State Equal Retirement Benefit Fund Actuarial Report, January 1, 2003 - June 30, 2004

State Patrol Retirement System Actuarial Report, July 1, 2003 - June 30, 2005

Revenue, Department of

2000 Annual Report

2001 Annual Report

2002 Annual Report

Ethanol Production Incentive Cash Fund (EPIC) Report

Nebraska Lottery Annual Report, July 1, 2002 through June 30, 2003

Re-certification of General Fund net receipts for fiscal year beginning July 1, 2003. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced

October 31, 2003.

Roads, Department of

2003 Annual Report

2003 State Highway Needs Assessment Report

Board of Examiners for County Highway and City Street Superintendents Annual Report

Board of Public Roads Classifications and Standards Minutes for April, May, June, July, September, October 2003

Recreation Roads One-Year and Five-Year Programs

State Highway Commission Quarterly Reports for periods ending June 30, 2003 and September 30, 2003

Traffic Crash Facts Annual Report, 2002

Southeast Community College

Annual report on the financial condition of the center

Transit and Rail Advisory Council

Transit Corridors Study

Workers' Compensation Court

Fiscal Year 2003 Annual Report

Workforce Development

Workforce Investment Act Annual Report

BILLS ON FIRST READING

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

LEGISLATIVE BILL 810. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to the Ethanol Pricing Task Force; to eliminate provisions governing the task force which terminated on December 31, 2000; and to outright repeal section 66-1350, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 811. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3901, Reissue Revised Statutes of Nebraska; to eliminate obsolete provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-27,138.01, 77-3530, and 77-3909, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 812. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to minibikes; to amend section 60-6,347, Reissue Revised Statutes of Nebraska; to harmonize provisions with Laws 2003, LB 333; and to repeal the original section.

LEGISLATIVE BILL 813. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to statutory forms; to amend sections 10-505, 12-522, 15-813, 19-3005, 19-3006, 19-3007.01, 19-3037, 23-1802, 23-1809, 30-2329, 30-3408, 31-324, 31-331, 31-333, 32-812, 32-934, 32-1040, 32-1401, 32-1402, 49-218, 49-1522, 49-1559, 53-135.01, 53-1,108, 54-403, 57-202, 58-525, 76-1004, 76-1007, 76-1008, 76-1012, 77-1819, 77-1839, and 77-3204, Reissue Revised Statutes of Nebraska; to change certain forms for the twenty-first century; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Smith, 48.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Supplement, 2002; to change provisions relating to videoconferencing and telephone conferencing; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Smith, 48.

A BILL FOR AN ACT relating to schools; to amend section 79-2,103, Reissue Revised Statutes of Nebraska; to provide for military recruiting on school and postsecondary campuses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by Smith, 48.

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Reissue Revised Statutes of Nebraska; to change the designation period; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 817. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-322, Revised Statutes Supplement, 2002; to change provisions relating to sexual abuse of an inmate or parolee; and to repeal the original section.

LEGISLATIVE BILL 818. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Women's Health Initiative Advisory Council; to amend section 71-702, Reissue Revised Statutes of Nebraska; to clarify provisions; to eliminate a termination date; and to repeal the original section.

LEGISLATIVE BILL 819. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to capital construction; to amend section

81-1114.02, Revised Statutes Supplement, 2002; to change provisions relating to construction documents; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to recall elections; to amend section 32-1306, Reissue Revised Statutes of Nebraska, and section 32-1303, Revised Statutes Supplement, 2003; to change provisions relating to providing notice; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 821. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 2-261, 28-731, 58-230, 66-1619, 71-121, 71-3406, 71-5176, 71-5705, 71-6224, 72-1704, 74-1308, 77-5005, 79-317, 79-554, 79-560, 79-561, 79-814.01, 79-832, 79-1239, 81-1505.03, 81-15,217, 81-1712, 84-1408 to 84-1410, 84-1414, 84-1502, 85-104, and 85-1502, Reissue Revised Statutes of Nebraska, sections 2-101, 2-238, 13-2515, 13-2517, 13-2801, 13-2812, 16-1037, 46-2,120, 50-307, 84-1411, 84-1412, 86-327, and 86-413, Revised Statutes Supplement, 2002, and sections 25-2937 and 39-1108, Revised Statutes Supplement, 2003; to name the act; to provide for applicability of the act; to redefine terms; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 822. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Environmental Quality Council; to amend section 81-1505, Revised Statutes Supplement, 2002; to change provisions relating to the adoption of standards and classifications; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to police animals; to amend section 28-906, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Supplement, 2003; to provide penalties for obstructing or harassing a police animal owned or controlled by a law enforcement agency; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Erdman, 47; Aguilar, 35; Smith, 48.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-104, Reissue Revised Statutes of Nebraska; to provide for allocation of funds for promotion of aviation; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section

60-6,151, Reissue Revised Statutes of Nebraska; to require motor vehicle drivers to use caution near parked authorized emergency vehicles; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Erdman, 47; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to the state game refuges; to amend sections 37-707 and 61-206, Reissue Revised Statutes of Nebraska, section 37-706, Revised Statutes Supplement, 2002, and section 37-201, Revised Statutes Supplement, 2003; to state intent; to define a term; to provide duties for the Department of Natural Resources; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 827. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Revised Statutes Supplement, 2002; to change provisions limiting service on the commission; and to repeal the original section.

LEGISLATIVE BILL 828. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 18-2451 and 70-623, Reissue Revised Statutes of Nebraska; to change provisions relating to filing audits by public power and irrigation districts and municipal cooperative financing agencies; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend section 61-201, Reissue Revised Statutes of Nebraska; to change and provide qualifications for certain personnel as prescribed; and to repeal the original section.

LEGISLATIVE BILL 830. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1207.01, 46-1207.02, 46-1212, and 46-1228, Reissue Revised Statutes of Nebraska, section 46-601.01, Revised Statutes Supplement, 2002, and section 46-602, Revised Statutes Supplement, 2003; to redefine terms; to change provisions relating to registration; to provide for inspection of decommissioned water wells; and to repeal the original sections.

LEGISLATIVE BILL 831. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend section 46-241, Revised Statutes Supplement, 2003; to change provisions relating to

reservoir withdrawals; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend section 81-15,172, Reissue Revised Statutes of Nebraska, and sections 81-15,173, 81-15,175, and 81-15,176, Revised Statutes Supplement, 2002; to provide powers and duties for the board; to change and eliminate provisions relating to funding priorities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 833. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Friend, 10; Hudkins, 21; Jones, 43; Kremer, 34; Loudon, 49; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to the Water Policy Task Force; to amend sections 46-2,132 and 46-2,135, Revised Statutes Supplement, 2002; to change provisions relating to membership and meetings; and to repeal the original sections.

LEGISLATIVE BILL 834. Introduced by Vrtiska, 1; Baker, 44; Cudaback, 36; Cunningham, 40; Hartnett, 45; Janssen, 15; Jones, 43; Loudon, 49; McDonald, 41; Price, 26; Schrock, 38; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-157, Reissue Revised Statutes of Nebraska; to provide for a health insurance reimbursement allowance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,165, 81-2,166, 81-2,167, 81-2,170, 81-2,171, 81-2,173, and 81-2,174, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Apiary Act; to repeal the original sections; and to outright repeal section 81-2,172, Reissue Revised Statutes of Nebraska, and section 81-2,177.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 836. Introduced by Kremer, 34; Wehrbein, 2.

A BILL FOR AN ACT relating to the Dairy Industry Development Act; to amend section 2-3951, Reissue Revised Statutes of Nebraska, and section 2-3948, Revised Statutes Supplement, 2002; to change provisions relating to board members; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 2-3964, Reissue Revised Statutes of Nebraska, and sections 2-3952, 2-3952.01, 2-3953, and 2-3954, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend section 54-2280, Revised Statutes Supplement, 2003; to change provisions relating to pseudorabies control and eradication; to eliminate provisions relating to livestock auction markets; to repeal the original sections; and to outright repeal section 54-1179, Reissue Revised Statutes of Nebraska, and sections 54-1175 and 54-1176, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 838. Introduced by Louden, 49; Aguilar, 35; Hartnett, 45; Jones, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.11 and 60-315, Revised Statutes Supplement, 2002, and sections 60-310 and 60-311.02, Revised Statutes Supplement, 2003; to provide for Military Plates; to change provisions for exempt plates and message plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Louden, 49; Jones, 43.

A BILL FOR AN ACT relating to insurance; to require the Director of Insurance to study issues relating to certain liability insurance availability and affordability.

LEGISLATIVE BILL 840. Introduced by Louden, 49; Erdman, 47; Jones, 43; Kremer, 34; Smith, 48.

A BILL FOR AN ACT relating to livestock; to amend section 54-199, Revised Statutes Supplement, 2002; to change provisions relating to livestock brands; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Byars, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax exemptions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 842. Introduced by Byars, 30.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-611, Revised Statutes Supplement, 2002; to change provisions relating to the vacation of streets and alleys; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Byars, 30.

A BILL FOR AN ACT relating to livestock; to amend section 54-199, Revised Statutes Supplement, 2002; to change provisions relating to branding; and to repeal the original section.

LEGISLATIVE BILL 844. Introduced by Byars, 30.

A BILL FOR AN ACT relating to state personnel; to amend section 81-1316, Revised Statutes Supplement, 2003; to exempt the chief executive officer of facilities operated by the Department of Correctional Services and the medical director of the department from the State Personnel System; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Byars, 30.

A BILL FOR AN ACT relating to real estate; to amend sections 76-1708, 76-1711, 76-1734, and 81-885.55, Reissue Revised Statutes of Nebraska; to change time-share instrument provisions and association duties as prescribed; to change fee provisions; to change provisions relating to errors and omissions insurance; and to repeal the original sections.

LEGISLATIVE BILL 846. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.14, Revised Statutes Supplement, 2002; to provide for issuance of license plates designated for handicapped or disabled persons to certain trusts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 847. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend section 45-902, Revised Statutes Supplement, 2003; to define collection to authorize electronic automated clearinghouse transactions; and to repeal the original section.

LEGISLATIVE BILL 848. Introduced by Aguilar, 35; Quandahl, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to change provisions relating to claims, expenses, and attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to insurance; to provide requirements and duties relating to motor vehicle repairs.

LEGISLATIVE BILL 850. Introduced by Mossey, 3; Aguilar, 35; Combs, 32; Erdman, 47; Friend, 10; Kruse, 13; Mines, 18; Quandahl, 31; Synowiecki, 7.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-404.02, 29-901.01, and 42-903, Reissue Revised Statutes of Nebraska, section 86-291, Revised Statutes Supplement, 2002, and section 28-101,

Revised Statutes Supplement, 2003; to create the offense of domestic assault; to provide penalties; to change provisions relating to arrest and bail; to provide duties for law enforcement; to redefine terms; to authorize interception of communications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 851. Introduced by Mossey, 3; Combs, 32; Erdman, 47; Friend, 10; Kruse, 13; Quandahl, 31; Smith, 48; Synowiecki, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901.01, Reissue Revised Statutes of Nebraska; to change provisions relating to bail; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 852. Introduced by Burling, 33; Stuthman, 22.

A BILL FOR AN ACT relating to public assistance; to amend section 68-115, Reissue Revised Statutes of Nebraska; to change provisions relating to legal settlement; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Vrtiska, 1; Foley, 29; Mossey, 3; Quandahl, 31.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to civil protective custody; and to repeal the original section.

LEGISLATIVE BILL 854. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1315, Reissue Revised Statutes of Nebraska; to change a notice requirement relating to assessment of real property; and to repeal the original section.

LEGISLATIVE BILL 855. Introduced by Hudkins, 21; Brown, 6; Foley, 29; Kruse, 13; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2003; to create the offense of interference with child visitation; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 856. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to highways; to provide for mowing and hay harvesting permits for right-of-ways; to create a fund; and to provide duties for the Department of Roads.

LEGISLATIVE BILL 857. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to property tax; to amend sections 77-1822 and 77-1823, Reissue Revised Statutes of Nebraska; to change tax sale certificate assignment fee and issuance fee for deed or certificate; and to repeal the original sections.

LEGISLATIVE BILL 858. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-121, 55-125, and 55-126, Reissue Revised Statutes of Nebraska; to change provisions relating to the Adjutant General; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Vrtiska, 1; Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to provide for Shriner's license plates.

LEGISLATIVE BILL 860. Introduced by Baker, 44.

A BILL FOR AN ACT relating to transportation; to amend sections 30-24,125, 60-484.02, and 60-1901, Revised Statutes Supplement, 2002, and sections 60-139 and 60-301, Revised Statutes Supplement, 2003; to provide for transfer of certificates of title upon death; to define and redefine terms; to provide for limited release of digital images and signatures; to provide for abandoned all-terrain vehicles and minibikes; and to repeal the original sections.

LEGISLATIVE BILL 861. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-364 and 60-462.01, Revised Statutes Supplement, 2003; to require the return of motor vehicle registration certificates and license plates; to provide for enforcement; to adopt portions of the federal Motor Carrier Safety Regulations; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-682.01, Reissue Revised Statutes of Nebraska; to increase fines for speeding; to eliminate double fines in maintenance, repair, and construction zones and school zones; and to repeal the original section.

LEGISLATIVE BILL 863. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend sections 60-465 and 60-4,143, Reissue Revised Statutes of Nebraska, sections 60-484.02, 60-490, 60-493, 60-4,113, 60-4,115, 60-4,117, 60-4,119, 60-4,120, 60-4,120.01, 60-4,122, 60-4,126, 60-4,130,

60-4,130.02, 60-4,141, 60-4,150, 60-4,151, 60-4,153, 60-4,180, 60-1515, and 60-2904, Revised Statutes Supplement, 2002, and sections 60-462, 60-462.01, 60-484, 60-4,131, 60-4,132, 60-4,144, and 60-4,168, Revised Statutes Supplement, 2003; to define and redefine terms; to provide fees; to change provisions relating to commercial driver's licenses; to provide for sharing certain information; to provide for cancellation of commercial driver's licenses; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 60-484.01, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 864. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-3867, Revised Statutes Supplement, 2003; to change provisions relating to trustee duties; and to repeal the original section.

LEGISLATIVE BILL 865. Introduced by Thompson, 14; Aguilar, 35; Brown, 6; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend section 43-1904, Reissue Revised Statutes of Nebraska, sections 43-1906 and 60-315, Revised Statutes Supplement, 2002, and section 60-310, Revised Statutes Supplement, 2003; to provide for child abuse prevention plates; to provide for the distribution of fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 866. Introduced by Byars, 30; Brown, 6; Johnson, 37; Price, 26; Schimek, 27; Schrock, 38; Stuhr, 24; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,270, Reissue Revised Statutes of Nebraska; to require all occupants in motor vehicles to wear occupant protection systems; and to repeal the original section.

LEGISLATIVE BILL 867. Introduced by Byars, 30; Kremer, 34.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.03, Reissue Revised Statutes of Nebraska; to change requirements for Pearl Harbor survivor plates; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Redfield, 12; Aguilar, 35; Erdman, 47; Foley, 29; Friend, 10; Hudkins, 21; Quandahl, 31; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to education; to amend sections 79-201 and 79-202, Reissue Revised Statutes of Nebraska; to change provisions relating to truancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Agriculture Committee: Kremer, 34, Chairperson; Burling, 33; Chambers, 11; Cunningham, 40; Erdman, 47; Mossey, 3; Preister, 5; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-945.01, 2-953, 2-954, 81-201, and 81-201.05, Reissue Revised Statutes of Nebraska, and section 2-958, Revised Statutes Supplement, 2002; to change noxious weed control provisions; to create a fund; to authorize fund transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Brown, 6; Bourne, 8; Mines, 18; Schimek, 27.

A BILL FOR AN ACT relating to merger of governments; to amend section 13-2810, Revised Statutes Supplement, 2002; to change voting requirements; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Kruse, 13; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; Engel, 17; Hudkins, 21; Jones, 43; Kremer, 34; Louden, 49; Mossey, 3; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 28-106, 28-306, 60-601, and 60-6,197.01, Revised Statutes Supplement, 2002, and sections 60-4,110 and 60-4,118.06, Revised Statutes Supplement, 2003; to change penalty provisions for Class W misdemeanors and motor vehicle homicide; to require seizure of motor vehicles as prescribed; to change provisions relating to use of an operator's license with an ignition interlock device; to create the offense of aggravated driving under the influence; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 872. Introduced by Kruse, 13; Brown, 6; Burling, 33; Combs, 32; Engel, 17; Foley, 29; Friend, 10; Hudkins, 21; Louden, 49; McDonald, 41; Mines, 18; Mossey, 3; Quandahl, 31; Redfield, 12; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-308, Reissue Revised Statutes of Nebraska; to redefine assault in the first degree; to prohibit assault by AIDS or HIV as prescribed; to provide a penalty; to define terms; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Combs, 32.

A BILL FOR AN ACT relating to revenue; to amend sections 77-3501.01, 77-3505.02, and 77-3506.02, Reissue Revised Statutes of Nebraska; to change provisions relating to homestead exemptions; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Mossey, 3; Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-318, Reissue Revised Statutes of Nebraska; to redefine the term sexual contact for purposes of sexual assault of a child; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 875. Introduced by Mossey, 3; Combs, 32; Cunningham, 40; Erdman, 47.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4003, Revised Statutes Supplement, 2002; to change provisions relating to the Sex Offender Registration Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 876. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2002; to change the number of district court judges; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 877. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2002; to change district court judicial districts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska; to adopt updated federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 879. Introduced by Connealy, 16; Baker, 44; Bourne, 8; Hartnett, 45; Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to provide an income tax credit for certain charitable contributions; to provide a termination date; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 880. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 881. Introduced by Quandahl, 31.

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 882. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to courts; to amend section 25-21,223, Revised Statutes Supplement, 2003; to change service of process provisions in forcible entry and detainer actions; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to eliminate subrogation and contribution rights for property damages; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to bonds; to amend sections 2-1201, 3-103, 8-104, 8-1,101, 9-807, 11-121, 11-201.01, 11-202, 25-2101, 25-21,207, 25-21,218, 32-561, 32-602, 48-158, 48-609, 48-804.03, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-1502, 71-222.01, 72-1241, 77-366, 77-703, 80-401.02, 81-111, 81-151, 81-8,128, 81-8,141, 81-1108.14, 81-2002, 83-128, 83-139, 84-106, 84-206, 84-314, 84-505, 84-718, and 84-801, Reissue Revised Statutes of Nebraska, sections 8-197, 11-119, 37-110, 37-431, 48-618, 48-721, and 54-191, Revised Statutes Supplement, 2002, and sections 8-105, 11-201, 60-1303, and 84-502, Revised Statutes Supplement, 2003; to authorize the purchase of commercial insurance in lieu of blanket corporate surety bonds for certain state officers and employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 885. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to trusts; to amend sections 30-3811, 30-3837, 30-3854, 30-3855, 30-3867, 30-3897, and 30-38,110, Revised Statutes Supplement, 2003; to change provisions relating to the Nebraska Uniform Trust Code; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 886. Introduced by Redfield, 12; Foley, 29; Quandahl, 31.

A BILL FOR AN ACT relating to public funds; to amend section 77-2365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to deposits with certain credit unions; and to repeal the original

section.

LEGISLATIVE BILL 887. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1916, Revised Statutes Supplement, 2002; to change supersedeas appeal bonds to the Court of Appeals or Supreme Court; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Friend, 10; Brown, 6; Combs, 32; Connealy, 16; Hartnett, 45; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to energy codes; to amend sections 71-6406, 72-804 to 72-806, 81-1608, 81-1613 to 81-1615, 81-1617, 81-1618, 81-1620, 81-1622, and 81-1625, Reissue Revised Statutes of Nebraska, and sections 81-1609, 81-1611, and 81-1616, Revised Statutes Supplement, 2002; to change and harmonize provisions relating to state and local energy codes and standards; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Friend, 10.

A BILL FOR AN ACT relating to animals; to amend sections 54-617 and 71-4406, Reissue Revised Statutes of Nebraska; to exempt police dogs from the definitions of dangerous dog and potentially dangerous dog as prescribed; to define and redefine terms; to change rabies confinement provisions relating to a vaccinated animal owned by a law enforcement or governmental military agency; and to repeal the original sections.

LEGISLATIVE BILL 890. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Geologists Regulation Act; to amend sections 81-3501, 81-3503, 81-3527, 81-3529, 81-3539, and 81-3540, Reissue Revised Statutes of Nebraska; to provide for enrollment of geologist-interns; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 199. Introduced by Byars, 30.

WHEREAS, on October 17, 2003, Beatrice's Lady Orange softball team defeated Ralston 4-0 to win the title of 2003 Class B Nebraska State Softball Champions; and

WHEREAS, this victory is the third state championship title for the Lady O's in the last 4 years; and

WHEREAS, this achievement is the result of hard work, talent, and dedication by the team members who were supported in their efforts by their parents and the administrators, students, and teachers of Beatrice High

School.

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

1. That the Legislature congratulates the members of the 2003 Beatrice Lady Orange softball team.
2. That a copy of this resolution be presented to the Lady Orange head coach Jodi DeBoer.

Laid over.

LEGISLATIVE RESOLUTION 200. Introduced by Byars, 30.

WHEREAS, Bob Hohn was diagnosed in 1999 with Amyotrophic Lateral Sclerosis, also known as Lou Gehrig's Disease (ALS), and died on November 27, 2003; and

WHEREAS, Bob was an outstanding football player at Beatrice High School where he earned eleven varsity letters and earned the high school male athlete of the year honors from both the Lincoln Journal Star and the Omaha World-Herald; and

WHEREAS, Bob attended the University of Nebraska-Lincoln where he played football and competed in track. Bob was on the Cornhusker football team from 1962 to 1964, lettering two years, and served as a team captain in his senior year; and

WHEREAS, in 1964 Bob was drafted by the Los Angeles Rams professional football team, but finally went to the Pittsburgh Steelers where he played for five years as a starting cornerback. Bob played in the 1968 Pro Bowl and also played for the Denver Broncos; and

WHEREAS, Bob Hohn was inducted into the Nebraska High School Hall of Fame in 2001, inducted into the Beatrice Educational Foundation Hall of Fame, and, in 2002, was honored at the Beatrice High School homecoming where he was presented with a plaque in recognition of his athletic achievements; and

WHEREAS, in the last few years of his life, Bob worked to educate people about ALS, established the Bob Hohn Foundation to raise funds to help other ALS patients.

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

1. That the Legislature extends its sympathies to Bob Hohn's wife Sandy, his daughter Jenny McMann, and son Jeff Hohn.
2. That a copy of this resolution to sent to the family of Bob Hohn.

Laid over.

LEGISLATIVE RESOLUTION 201. Introduced by Jones, 43.

WHEREAS, Mullen High School won the 2003 Class D-2 eight-man football state championship on November 20, 2003; and

WHEREAS, second-ranked Mullen defeated sixth-ranked Lindsay Holy Family High School to win the 2003 championship; and

WHEREAS, Mullen won the 2003 championship game by a score of 30-12; and

WHEREAS, the 2003 championship is the result of hard work and dedication on the part of players and coaches of the Mullen High School football team.

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

1. That the Legislature congratulates the Mullen High School football team on winning the 2003 Class D-2 eight-man football state championship.

2. That a copy of this resolution be sent to the Mullen High School football team and Coach Mike Brown.

Laid over.

LEGISLATIVE RESOLUTION 202. Introduced by Smith, 48; Baker, 44; Brown, 6.

WHEREAS, the motoring public in this state pays a federal fuel tax of 18.4 cents per gallon, and Congress has recently considered raising that tax by 5.4 cents per gallon, an increase of almost one-third, with ongoing increases by indexation thereafter; and

WHEREAS, for nearly half a century the federal fuel tax has supported the Federal Highway Administration, which was formed in 1956 to build the interstate highway system and had successfully completed that mission by the mid-1980's; and

WHEREAS, most of the transportation problems that confront travelers today are local or regional, and state and local governments can respond to them more effectively than distant bureaucracies; and

WHEREAS, a growing share of the federal fuel tax is diverted to purposes other than highways and roads, including urban mass transit, ferry boats, commuter rail, historic renovation, hiking trails, landscaping, covered bridges, scenic byways, and Appalachian redevelopment, which benefit narrow yet influential constituencies at the expense of the motoring public; and

WHEREAS, the federal government often threatens to withhold a state's share of federal highway money in order to force the state to comply with a variety of federal mandates, including clean air and safety standards, law enforcement, and union contracts; and

WHEREAS, the federal management of highway funding results in a subsidy to wealthier states and slower growing states at the expense of less affluent states and fast growing states with greater transportation needs; and

WHEREAS, "turnback" legislation giving each state full control of the federal fuel tax revenue collected in that state has been proposed in several past sessions of Congress, and has now again been introduced as HR-3113,

the Transportation Empowerment Act.

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

1. That the Congress of the United States enact legislation that would return to the states full responsibility to formulate and implement their own surface transportation priorities by allowing each state to retain the revenue from the 18.4 cents per gallon federal fuel tax that is collected within its borders.

2. That a copy of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature, and each member of the Nebraska Congressional delegation.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 202 was referred to the Reference Committee.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Rule 3, Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

| | |
|--|----------------------|
| Building Maintenance. RRS 81-185 | 6 members |
| Education Commission of the States. RRS 79-1504 | 3 members |
| Executive Board of the Legislative Council. RRS 50-401.01 | 9 members |
| Intergovernmental Cooperation. RRS 81-816 | 5 members |
| Legislative Program Evaluation. RRS 50-1204 | 5 members |
| <u>Legislative Performance Audit. RRS 50-1204</u> | <u>7 members</u> |

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(ii) The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 13.

(iii) The Legislative ~~Program Evaluation~~ Performance Audit Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13.

Rule 5, Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills introduced by the committee or any senator as a result of a performance audit, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(e) (d) The Speaker may designate up to 25 additional priority bills.

~~(d)~~ (e) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

~~(e)~~ (f) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

~~(f)~~ (g) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

~~(g)~~ (h) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

~~(h)~~ (i) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

~~(i)~~ (j) No priority bill designated under this rule shall have priority over appropriations bills.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 439:
AM2131

(Amendments to Second Final Reading copy)

- 1 1. Strike sections 15 and 16 and insert the following
- 2 new sections:
- 3 "Sec. 15. Section 81-188.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-188.01. (1) The State Building Renewal Assessment
- 6 Fund is created. The fund shall be under the control of the
- 7 Governor for allocation to building renewal projects of the various
- 8 agencies and shall be administered in a manner consistent with the
- 9 administration of the Building Renewal Allocation Fund pursuant to
- 10 the Deferred Building Renewal Act. No amounts accruing to the
- 11 State Building Renewal Assessment Fund shall be expended in any
- 12 manner for purposes other than as provided in this section or as
- 13 appropriated by the Legislature to meet the cost of administering
- 14 the act.
- 15 (2) Revenue credited to the fund shall include amounts
- 16 derived from charges assessed pursuant to subdivision ~~(6)(b)~~ (4)(b)
- 17 of section 81-1108.17, depreciation charges remitted pursuant to
- 18 section 81-188.02, and such other revenue as may be incident to the
- 19 administration of the fund.
- 20 (3) Amounts appropriated from the fund shall be expended
- 21 to conduct renewal work as defined in section 81-173 and to
- 22 complete other improvements incident to such renewal work as deemed
- 23 necessary or appropriate by the task force. From amounts accruing
- 1 to the fund as the result of depreciation charges assessed pursuant
- 2 to subdivision ~~(6)(b)~~ (4)(b) of section 81-1108.17, expenditures
- 3 for capital improvements shall be limited to improvements to only

4 those facilities for which such charges have been assessed and
5 remitted. From amounts accruing to the fund as the result of
6 depreciation charges assessed pursuant to section 81-188.02,
7 expenditures for capital improvement projects shall be limited to
8 exclude (a) capital improvement projects relating to facilities,
9 structures, or buildings owned, leased, or operated by the (i)
10 University of Nebraska, (ii) Nebraska state colleges, (iii)
11 Department of Aeronautics, (iv) Department of Roads, (v) Game and
12 Parks Commission, or (vi) Board of Educational Lands and Funds and
13 (b) capital improvement projects relating to facilities,
14 structures, or buildings for which depreciation charges are
15 assessed pursuant to subdivision ~~(6)(b)~~ (4)(b) of section
16 81-1108.17. For each fiscal year, task force allocations from
17 amounts accruing to the fund pursuant to section 81-188.02 shall
18 not exceed the total of such revenue credited to the fund in the
19 preceding fiscal year, except that if no revenue from depreciation
20 charge assessments was credited to the fund in the preceding fiscal
21 year, allocations shall not exceed fifty percent of revenue
22 credited to the fund in the last preceding fiscal year in which
23 depreciation charge assessments were credited to the fund.
24 (4) Any money in the fund available for investment shall
25 be invested by the state investment officer pursuant to the
26 Nebraska Capital Expansion Act and the Nebraska State Funds
27 Investment Act.

1 (5) The State Treasurer shall transfer one million nine
2 hundred forty-seven thousand one hundred dollars from the State
3 Building Renewal Assessment Fund to the Nebraska Capital
4 Construction Fund within five days after January 1, 2003.

5 (6) The State Treasurer shall transfer one million nine
6 hundred forty-seven thousand one hundred dollars from the State
7 Building Renewal Assessment Fund to the Nebraska Capital
8 Construction Fund within five days after May 1, 2003.

9 Sec. 16. Section 81-188.02, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-188.02. (1) For purposes of this section, capital
12 improvement project means (a) construction of a new facility,
13 structure, or building, (b) construction of additions to an
14 existing facility, structure, or building, (c) renovation of an
15 existing facility, structure, or building if the total project cost
16 of such renovation represents not less than fifteen percent of the
17 value of the existing facility, structure, or building as
18 determined by the Department of Administrative Services, (d)
19 purchase of an existing facility, structure, or building, and (e)
20 acquisition of a facility, structure, or building through means of
21 conveyance other than sale and purchase.

22 (2) Beginning with the fiscal year that commences
23 subsequent to the calendar year in which has occurred substantial
24 completion of a capital improvement project as defined in
25 subdivisions (1)(a) through (1)(c) of this section or acquisition

26 of a capital improvement project as defined in subdivisions (1)(d)
 27 and (1)(e) of this section, the department shall assess a capital
 1 improvement depreciation charge to the agency maintaining ownership
 2 or control of the related facility, structure, or building and
 3 shall assess such charge for each fiscal year thereafter, except
 4 that no depreciation charges shall be assessed or paid pursuant to
 5 this section for the period beginning July 1, 2003, and ending June
 6 30, 2004, and depreciation charges in the amount of one-half of the
 7 amount otherwise assessed pursuant to this section shall be
 8 assessed and paid for the period beginning July 1, 2004, and ending
 9 June 30, 2005.

10 (3) The annual depreciation charge for a capital
 11 improvement project as defined in subdivisions (1)(a) through
 12 (1)(c) of this section shall be computed as two percent of the
 13 total project cost of the capital improvement project. The annual
 14 depreciation charge for a capital improvement project as defined in
 15 subdivision (1)(d) of this section shall be computed as two percent
 16 of the greater of the purchase price or the value, as determined by
 17 the department, of the capital improvement project at the time of
 18 acquisition. The annual depreciation charge for a capital
 19 improvement project as defined in subdivision (1)(e) of this
 20 section shall be computed as two percent of the value, as
 21 determined by the department, of the capital improvement project at
 22 the time of acquisition. The department may assess the charge
 23 annually or in monthly, quarterly, or semiannual installments.

24 (4) Depreciation charges shall not be assessed pursuant
 25 to this section for capital improvement projects relating to
 26 facilities, structures, or buildings owned, leased, or operated by
 27 the: (i) University of Nebraska; (ii) Nebraska state colleges;
 1 (iii) Department of Aeronautics; (iv) Department of Roads; (v) Game
 2 and Parks Commission; or (vi) Board of Educational Lands and Funds
 3 or to other buildings or grounds owned, leased, or operated by the
 4 State of Nebraska which are specifically exempted by the Department
 5 of Administrative Services because the assessment of such
 6 depreciation charges would result in the ineligibility for federal
 7 funding or would result in hardship on an agency, board, or
 8 commission due to other exceptional or unusual circumstances.
 9 Depreciation charges shall not be assessed pursuant to this section
 10 for capital improvement projects relating to facilities,
 11 structures, or buildings of which the department is custodian
 12 pursuant to section 81-1108.17 and for which charges are assessed
 13 pursuant to subdivision ~~(6)(b)~~ (4)(b) of such section.

14 (5) Payment of depreciation charges assessed pursuant to
 15 this section shall be remitted to the State Treasurer for credit to
 16 the State Building Renewal Assessment Fund or the Capitol
 17 Restoration Cash Fund."

18 2. On page 1, line 1, after "sections" insert
 19 "81-188.01, 81-188.02,"; and in line 6 strike "81-188.01,
 20 81-188.02, 81-1108," and insert "81-1108".

- 21 3. On page 12, line 1, strike "2003" and insert "2004".
 22 4. On page 38, line 1, strike "2004" and insert "2005";
 23 in line 3 strike "2005" and insert "2006"; and in line 4 strike
 24 "2006" and insert "2007".
 25 5. On page 45, line 27, strike "2003" and insert "2004".
 26 6. On page 46, line 1, after "sections" insert
 27 "81-188.01, 81-188.02,"; and in line 4 strike "sections 81-188.01,
 1 81-188.02, and" and insert "section".

Senator Beutler filed the following amendment to LB 439A:
 AM2133

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. There is hereby appropriated (1) \$359,255
 4 from the General Fund and \$698,023 from the Nebraska State Patrol
 5 Cash Fund for FY2004-05 and (2) \$359,255 from the General Fund and
 6 \$698,023 from the Nebraska State Patrol Cash Fund for FY2005-06 to
 7 the Nebraska State Patrol, for Program 630, to aid in carrying out
 8 the provisions of Legislative Bill 439, Ninety-eighth Legislature,
 9 Second Session, 2004.
 10 Total expenditures for permanent and temporary salaries
 11 and per diems from funds appropriated in this section shall not
 12 exceed \$578,649 for FY2004-05 or \$592,168 for FY2005-06.
 13 Sec. 2. There is hereby appropriated (1) \$3,208,330 from
 14 the General Fund and \$17,250 from the Capitol Restoration Cash Fund
 15 for FY2004-05 and (2) \$3,326,183 from the General Fund and \$17,250
 16 from the Capitol Restoration Cash Fund for FY2005-06 to the Office
 17 of the Nebraska Capitol Commission, for Program 685, to aid in
 18 carrying out the provisions of Legislative Bill 439, Ninety-eighth
 19 Legislature, Second Session, 2004.
 20 Total expenditures for permanent and temporary salaries
 21 and per diems from funds appropriated in this section shall not
 22 exceed \$978,668 for FY2004-05 or \$999,724 for FY2005-06.
 23 Sec. 3. The General Fund appropriation to the Department
 1 of Administrative Services, for Program 560, is reduced by
 2 \$3,567,585 and the Revolving Fund appropriation to the Department
 3 of Administrative Services, for Program 560, is reduced by \$646,689
 4 for FY2004-05, to aid in carrying out the provisions of Legislative
 5 Bill 439, Ninety-eighth Legislature, Second Session, 2004. The
 6 General Fund appropriation to the Department of Administrative
 7 Services, for Program 560, is reduced by \$3,685,438 and the
 8 Revolving Fund appropriation to the Department of Administrative
 9 Services, for Program 560, is reduced by \$646,689 for FY2005-06, to
 10 aid in carrying out the provisions of Legislative Bill 439,
 11 Ninety-eighth Legislature, Second Session, 2004.
 12 The limitation on total expenditures for permanent and
 13 temporary salaries and per diems for FY2004-05 for the Department
 14 of Administrative Services, for Program 560, is hereby reduced by

15 \$1,497,317. The limitation on total expenditures for permanent and
16 temporary salaries and per diems for FY2005-06 for the Department
17 of Administrative Services, for Program 560, is hereby reduced by
18 \$1,530,692.

19 Sec. 4. Since an emergency exists, this act takes effect
20 when passed and approved according to law."

Senator Landis filed the following amendment to LB 355:
AM2162

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:
3 "Section 1. Section 77-2716.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 77-2716.01. (1) Every individual shall be allowed to
6 subtract from his or her income tax liability an amount for
7 personal exemptions. The amount allowed to be subtracted shall be
8 the credit amount for the year as provided in this section
9 multiplied by the number of exemptions allowed on the federal
10 return. For tax year 1993, the credit amount shall be sixty-five
11 dollars; for tax year 1994, the credit amount shall be sixty-nine
12 dollars; for tax year 1995, the credit amount shall be sixty-nine
13 dollars; for tax year 1996, the credit amount shall be seventy-two
14 dollars; for tax year 1997, the credit amount shall be eighty-six
15 dollars; for tax year 1998, the credit amount shall be eighty-eight
16 dollars; for tax year 1999, and each year thereafter, the credit
17 amount shall be adjusted for inflation by the method provided in
18 section 151 of the Internal Revenue Code of 1986, as amended. The
19 eighty-eight-dollar credit amount shall be adjusted for cumulative
20 inflation since 1998. If any credit amount is not an even dollar
21 amount, the amount shall be rounded to the nearest dollar. The
22 amount allowed for each personal exemption shall be reduced, but
23 not below zero, by five dollars for each five thousand dollars, or
24 portion thereof, that federal adjusted gross income exceeds ninety
1 thousand dollars for married filing joint returns, fifty-four
2 thousand dollars for single returns, seventy-five thousand dollars
3 for head-of-household returns, and for married filing separate
4 returns, one-half the amount stated in this subsection for married
5 filing joint returns. For nonresident individuals and partial-year
6 resident individuals, the personal exemption credit shall be
7 subtracted as specified in subsection (3) of section 77-2715. For
8 tax year 1994 and each tax year thereafter, the income levels
9 stated in this subsection shall be adjusted for inflation by the
10 method provided in section 151 of the Internal Revenue Code of
11 1986, as amended. If any income level in this subsection is not a
12 multiple of one thousand dollars, the amount shall be rounded to
13 the next highest multiple of one thousand dollars.
14 (2)(a) For tax years beginning or deemed to begin before
15 January 1, 2003, under the Internal Revenue Code of 1986, as
16 amended, every individual who did not itemize deductions on his or

17 her federal return shall be allowed to subtract from federal
18 adjusted gross income a standard deduction equal to the federal
19 standard deduction for the filing status used on the federal return
20 except as the amount is adjusted under section 77-2716.03.

21 (b) For tax years beginning or deemed to begin on or
22 after January 1, 2003, and before January 1, 2004, under the
23 Internal Revenue Code of 1986, as amended, every individual who did
24 not itemize deductions on his or her federal return shall be
25 allowed to subtract from federal adjusted gross income a standard
26 deduction based on the filing status used on the federal return
27 except as the amount is adjusted under section 77-2716.03. The

1 standard deduction shall be the smaller of the federal standard
2 deduction actually allowed or (i) for single taxpayers four
3 thousand seven hundred fifty dollars, (ii) for head of household
4 taxpayers seven thousand dollars, (iii) for married filing jointly
5 taxpayers seven thousand nine hundred fifty dollars, and (iv) for
6 married filing separately taxpayers three thousand nine hundred
7 seventy-five dollars. Taxpayers who are allowed additional federal
8 standard deduction amounts because of age or blindness shall be
9 allowed an increase in the Nebraska standard deduction for each
10 additional amount allowed on the federal return. The additional
11 amounts shall be for married taxpayers, nine hundred fifty dollars,
12 and for single or head of household taxpayers, one thousand one
13 hundred fifty dollars.

14 (c) For tax years beginning or deemed to begin on or
15 after January 1, 2004, the standard deduction amounts, including
16 the additional standard deduction amounts, in subdivision (2)(b) of
17 this section shall be adjusted for inflation by the method provided
18 in section 151 of the Internal Revenue Code of 1986, as amended.
19 If any amount is not a multiple of ten dollars, the amount shall be
20 rounded to the next highest multiple of ten dollars except that the
21 standard deduction for the married filing separately taxpayers may
22 be a multiple of five dollars.

23 (3) Every individual who itemized deductions on his or
24 her federal return shall be allowed to subtract from federal
25 adjusted gross income the greater of either the standard deduction
26 allowed in subsection (2) of this section or the amount before the
27 federal disallowance of his or her federal itemized deductions,
1 except for the amount deducted on the federal return for state or
2 local income taxes paid and the amount of any adjustment required
3 under section 77-2716.03.

4 Sec. 2. This act is operative for all taxable years
5 beginning or deemed to begin on or after January 1, 2003, under the
6 Internal Revenue Code of 1986, as amended.

7 Sec. 3. Original section 77-2716.01, Reissue Revised
8 Statutes of Nebraska, is repealed.

9 Sec. 4. Since an emergency exists, this act takes effect
10 when passed and approved according to law."

Senator Kruse filed the following amendment to LB 208:
(Amendment, AM2144, is printed separately and available in the Bill Room,
Room 1104.)

ANNOUNCEMENT

Senator Baker announced the Transportation and Telecommunications
Committee will hold an executive session Thursday, January 8, 2004, at
9:00 a.m., in Room 1113.

WITHDRAW - Cointroducer

Senator Price withdrew her name as cointroducer to LB 602.

VISITORS

The Doctor of the Day was Dr. Ronald Klutman from Columbus.

ADJOURNMENT

At 11:42 a.m., on a motion by Speaker Bromm, the Legislature adjourned
until 10:00 a.m., Thursday, January 8, 2004.

Patrick J. O'Donnell
Clerk of the Legislature

