

TENTH DAY - JANUARY 21, 2004**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 21, 2004

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

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

The roll was called and all members were present except Senators Byars, Hudkins, Landis, Maxwell, Dw. Pedersen, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

**STANDING COMMITTEE REPORT
Transportation and Telecommunications**

LEGISLATIVE BILL 878. Placed on General File.

(Signed) Tom Baker, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 1072	Government, Military and Veterans Affairs (rereferred)
LB 1109	General Affairs
LB 1110	Health and Human Services
LB 1111	Transportation and Telecommunications
LB 1112	Judiciary
LB 1113	Judiciary
LB 1114	Banking, Commerce and Insurance
LB 1115	Nebraska Retirement Systems

LB 1116	Judiciary
LB 1117	Judiciary
LB 1118	Government, Military and Veterans Affairs
LB 1119	Education
LB 1120	Banking, Commerce and Insurance
LB 1121	Transportation and Telecommunications
LB 1122	Natural Resources
LB 1123	Education
LB 1124	Education
LB 1125	Education
LB 1126	Education
LB 1127	Business and Labor
LB 1128	Revenue
LB 1129	General Affairs
LB 1130	Government, Military and Veterans Affairs
LR 222CA	Executive Board

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

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

LB 902	Wednesday, January 28, 2004	1:30 p.m.
LB 915	Wednesday, January 28, 2004	1:30 p.m.
LB 939	Wednesday, January 28, 2004	1:30 p.m.
LB 1003	Wednesday, January 28, 2004	1:30 p.m.
LB 1130	Wednesday, January 28, 2004	1:30 p.m.
LB 1074	Thursday, January 29, 2004	1:30 p.m.
LB 1077	Thursday, January 29, 2004	1:30 p.m.
LB 1078	Thursday, January 29, 2004	1:30 p.m.
LR 208CA	Thursday, January 29, 2004	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Health and Human Services
Room 1510

LB 1036	Wednesday, January 28, 2004	1:30 p.m.
LB 1084	Wednesday, January 28, 2004	1:30 p.m.
LB 1100	Wednesday, January 28, 2004	1:30 p.m.

(Signed) Jim Jensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1166. Introduced by Janssen, 15; Hartnett, 45; Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to change levy limitations for cities of the second class and villages; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1167. Introduced by Combs, 32; Janssen, 15; D. Pederson, 42; Schimek, 27.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two railroad employees; to provide civil penalties; to provide duties for the Public Service Commission; and to provide severability.

LEGISLATIVE BILL 1168. Introduced by Combs, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-1119, Revised Statutes Supplement, 2002; to change provisions relating to recounts; and to repeal the original section.

LEGISLATIVE BILL 1169. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to real estate records; to amend sections 33-109, 33-130, 76-901, 76-903, and 77-1327, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Land Information Systems Program Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1170. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to provide requirements for contracts for goods or services.

GENERAL FILE

LEGISLATIVE BILL 479. The Standing Committee amendment, AM0852, printed separately and referred to on page 959, First Session, 2003, and considered on page 320, was renewed.

Senator Schrock withdrew his pending amendment, AM1503, found on page 1412, First Session, 2003.

Senator Bourne asked unanimous consent to withdraw his pending amendment, AM1611, found on page 1525, First Session, 2003, and replace it with his substitute pending amendment, AM2251, found on page 328, to the Standing Committee amendment. No objections. So ordered.

The Bourne amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1171. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to annexation; to provide duties relating to services provided for certain territories if annexed by a city of the first or second class or a village.

LEGISLATIVE BILL 1172. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.24, Revised Statutes Supplement, 2003; to change provisions relating to withdrawal and transport of ground water as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1173. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to public water suppliers; to provide for a notice of intent to consider a wellfield.

LEGISLATIVE BILL 1174. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2002; to prohibit certain sales of beer as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1175. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1176. Introduced by Mines, 18; Bromm, 23; Combs, 32; Jones, 43; Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Public Safety Wireless Communication System Act; to amend section 77-2701, Reissue Revised Statutes of Nebraska, and sections 13-808, 13-903, 13-2530, 58-202, 58-219, 58-239.03, 86-401, 86-403, 86-405, 86-406, 86-410 to 86-416, 86-516, 86-543, and 86-572, Revised Statutes Supplement, 2002; to establish the Statewide Communications Authority of Nebraska; to provide powers and duties; to authorize the imposition of a public safety communications charge on electric utility bills; to authorize the issuance of bonds or financing agreements with the Nebraska Investment Finance

Authority; to abolish the Public Safety Wireless Communication Advisory Board; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 86-404 and 86-419, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 1177. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-203, 32-314, 32-315, 32-318, 32-321, 32-324, 32-908, 32-939, 32-948, 32-949, 32-951, 32-1032, and 32-1544, Reissue Revised Statutes of Nebraska, sections 32-326, 32-328, 32-914.01, 32-938, 32-941 to 32-943, 32-950, and 32-1027, Revised Statutes Supplement, 2002, and sections 32-319, 32-320, 32-329, 32-914, 32-914.02, 32-916, 32-947, and 32-1002, Revised Statutes Supplement, 2003; to provide powers and duties and change and eliminate provisions relating to registration of voters and the conduct of elections; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 32-304 and 32-325, Reissue Revised Statutes of Nebraska, and section 32-915.02, Revised Statutes Supplement, 2003.

LEGISLATIVE BILL 1178. Introduced by Erdman, 47; Smith, 48.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1344, Reissue Revised Statutes of Nebraska; to change provisions relating to production credits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1179. Introduced by Smith, 48.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1410, Reissue Revised Statutes of Nebraska, and section 84-1411, Revised Statutes Supplement, 2002; to change provisions relating to electronic communications; and to repeal the original sections.

LEGISLATIVE BILL 1180. Introduced by Smith, 48.

A BILL FOR AN ACT relating to political subdivisions; to amend section 49-1499.03, Revised Statutes Supplement, 2002; to provide procedures for potential conflicts of interest for certain officials; and to repeal the original section.

LEGISLATIVE BILL 1181. Introduced by Beutler, 28; Baker, 44; Foley, 29; Jones, 43; Landis, 46; Price, 26; Raikes, 25; Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to fuel taxes; to amend sections 66-4,145, 66-4,146, 66-670, and 66-6,109, Reissue Revised Statutes of Nebraska; to increase excise taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1182. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend section 24-809.05, Reissue Revised Statutes of Nebraska; to provide for relocating judges within a judicial district; and to repeal the original section.

LEGISLATIVE BILL 1183. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 32-1601 and 32-1606, Reissue Revised Statutes of Nebraska, and sections 32-1603, 32-1604, 32-1604.01, 32-1608, 49-1463.01, 49-14,124, and 49-14,125, Revised Statutes Supplement, 2002; to redefine a term; to change provisions regarding campaign expenditures and public funds; to provide for late fees; to change powers and duties of the Nebraska Accountability and Disclosure Commission; to eliminate unconstitutional provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-1614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1184. Introduced by Preister, 5; Beutler, 28; Connealy, 16; Thompson, 14.

A BILL FOR AN ACT relating to veterans; to amend sections 23-1309, 23-1310, 37-420, 71-605, 77-3509, 80-102, 80-104, 80-105, 80-107, 80-316, 80-325, 80-401.01, 80-401.02, 80-401.03, 80-401.06, 80-410, and 80-412, Reissue Revised Statutes of Nebraska; to change definitions and provisions relating to veterans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1185. Introduced by Louden, 49; Cunningham, 40; Schrock, 38; Stuthman, 22.

A BILL FOR AN ACT relating to insurance; to amend sections 44-7506, 44-7511, 44-7516, and 44-7524, Revised Statutes Supplement, 2002, and sections 44-7508.01, 44-7513, and 44-7515, Revised Statutes Supplement, 2003; to change provisions relating to workers' compensation insurance; and to repeal the original sections.

LEGISLATIVE BILL 1186. Introduced by Louden, 49; Cunningham, 40; Schrock, 38; Stuthman, 22.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-146.01, Revised Statutes Supplement, 2002; to change provisions relating to the assigned risk system; and to repeal the original section.

LEGISLATIVE BILL 1187. Introduced by McDonald, 41; Jones, 43; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 2003; to allow coverage for members of county fair boards and county agricultural societies; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1188. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4103 and 77-4104, Reissue Revised Statutes of Nebraska; to provide requirements for qualifying for tax incentives; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 1189. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend sections 77-27,187.01 and 77-27,188, Reissue Revised Statutes of Nebraska; to provide requirements for qualifying for tax incentives; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 1190. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to economic development; to adopt the Hometown Entrepreneur Scholarship Act; to state intent; to create a fund; and to provide powers and duties.

LEGISLATIVE BILL 1191. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-106, Revised Statutes Supplement, 2003; to change provisions relating to coverage of the act; to change a notice requirement for exempt employers; and to repeal the original section.

LEGISLATIVE BILL 1192. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to zoning; to amend section 19-4401, Reissue Revised Statutes of Nebraska; to authorize cities and villages to regulate planned unit developments as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1193. Introduced by Hartnett, 45; Connealy, 16; Janssen, 15.

A BILL FOR AN ACT relating to workforce development; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to provide a tax credit for job creation; to adopt the Nebraska High Hopes Scholars Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1194. Introduced by Smith, 48.

A BILL FOR AN ACT relating to audits; to amend section 84-304, Revised Statutes Supplement, 2003; to change powers and duties of the Auditor of Public Accounts; and to repeal the original section.

LEGISLATIVE BILL 1195. Introduced by Landis, 46.

A BILL FOR AN ACT relating to county zoning; to amend section 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to subdivision plats; and to repeal the original section.

LEGISLATIVE BILL 1196. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Revised Statutes Supplement, 2002; to authorize the payment of license fees and occupation taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1197. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to economic development; to create a fund for tourism development purposes.

LEGISLATIVE BILL 1198. Introduced by Byars, 30.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-409, Reissue Revised Statutes of Nebraska; to change the definition of critical access hospital; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1199. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to insurance; to adopt the Market Conduct Surveillance Act.

LEGISLATIVE BILL 1200. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to construction contractors; to adopt the Residential Construction Defects Act; and to provide a penalty.

LEGISLATIVE BILL 1201. Introduced by Janssen, 15; Vrtiska, 1.

A BILL FOR AN ACT relating to cemeteries; to create the Statewide Cemetery Registry; and to provide powers and duties.

LEGISLATIVE BILL 1202. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 2002; to change provisions

relating to records which may be withheld from the public; and to repeal the original section.

LEGISLATIVE BILL 1203. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to public assets; to create a commission; and to provide powers and duties.

LEGISLATIVE BILL 1204. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.01, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and income tax; and to repeal the original section.

LEGISLATIVE BILL 1205. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to highways; to amend sections 39-2222 and 66-4,100, Reissue Revised Statutes of Nebraska; to provide for the issuance of highway construction bonds; to change fund distribution; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1206. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-1007.01, and 79-1028, Reissue Revised Statutes of Nebraska; to change tax levy and state aid provisions relating to full-day kindergarten; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1207. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-21,232, 25-21,233, 42-349, 42-350, 42-352, 42-353, 42-355, 42-361, 42-364, 42-364.11, 42-364.13, 42-365, 42-373, 42-376, 42-380, 42-501 to 42-503, 43-512.01, 43-512.03, 43-512.04, 43-512.15, 43-1411.01, 43-1412, and 43-2917, Reissue Revised Statutes of Nebraska, and sections 25-1144.01, 25-1315.02, 25-1329, 25-21,230, 25-21,234, 25-2740, 42-357, and 42-371, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to post-trial motions, forcible entry and detainer actions, marriage validity, and pleading nomenclature for certain actions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 42-119, 42-120, and 42-354, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1208. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-714, 42-1102, and 48-155.01, Reissue Revised Statutes of Nebraska, sections 24-701.01, 24-704.01, 24-710, 24-710.02, 24-710.09, and 24-713.01, Revised Statutes Supplement, 2002, and sections 24-703, 24-707, and 24-708, Revised Statutes Supplement, 2003; to change

provisions relating to retirement age, benefits, and contributions; to change a fee; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1209. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.32, Reissue Revised Statutes of Nebraska; to change membership of the commission; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1210. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Supreme Court; to amend section 44-3311, Reissue Revised Statutes of Nebraska, and section 43-3318, Revised Statutes Supplement, 2003; to change references to the Counsel for Discipline; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1211. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10, 77-2701.16, 77-2701.32, 77-2701.34, and 77-2704.55, Reissue Revised Statutes of Nebraska; to change provisions relating to sales taxation of contractors, repairpersons, and labor; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1212. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement for prescription drugs; and to repeal the original section.

LEGISLATIVE BILL 1213. Introduced by Brashear, 4; Connealy, 16.

A BILL FOR AN ACT relating to racial profiling; to amend section 20-504, Revised Statutes Supplement, 2002; to extend reporting duties for the Nebraska State Patrol, other law enforcement agencies, and the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1214. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.05, Reissue Revised Statutes of Nebraska, and section 49-14,101.01, Revised Statutes Supplement, 2002; to authorize policies regarding personal computers and networking; and to repeal the original sections.

LEGISLATIVE BILL 1215. Introduced by Baker, 44; Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change distribution of sales tax from leased motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 1216. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4101, Reissue Revised Statutes of Nebraska; to provide for assessment of costs; and to repeal the original section.

LEGISLATIVE BILL 1217. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to social services; to amend sections 68-1207 and 68-1207.01, Reissue Revised Statutes of Nebraska; to state intent; to appropriate funds; and to repeal the original sections.

LEGISLATIVE BILL 1218. Introduced by Beutler, 28.

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 judicial districts and number of judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1219. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2717, 77-2727, and 77-2734.01, Reissue Revised Statutes of Nebraska; to change income tax and withholding provisions relating to nonresident entities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1220. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-215, 79-1116, and 79-1140, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to calculation of costs for wards' education; to provide for calculation of costs under the Special Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1221. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education funding; to amend sections 79-1018.01 and 79-1108, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 2003; to change and eliminate provisions relating to allocation of state lottery funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1222. Introduced by Hudkins, 21; Bourne, 8;

Connealy, 16.

A BILL FOR AN ACT relating to consumer protection; to change provisions relating to gift certificates.

LEGISLATIVE BILL 1223. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to state contracts for services; to amend section 73-506, Reissue Revised Statutes of Nebraska; to provide restrictions on the terms and conditions of such contracts; and to repeal the original section.

LEGISLATIVE BILL 1224. Introduced by Byars, 30.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the ICF/MR Reimbursement Protection Act; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 1225. Introduced by Landis, 46.

A BILL FOR AN ACT relating to real property; to provide for purchaser dwelling actions.

LEGISLATIVE BILL 1226. Introduced by Redfield, 12; Jensen, 20.

A BILL FOR AN ACT relating to drugs; to amend section 71-2421, Reissue Revised Statutes of Nebraska; to change provisions relating to return of dispensed drugs or devices; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 479. Senator Bourne withdrew his pending amendments, AM1612, AM1621, AM1620, AM1622, AM1619, AM1618, and AM1613, found on pages 1525, 1526, and 1527, First Session, 2003.

Senator Chambers renewed his pending amendment, AM2253, found on page 328, to the Standing Committee amendment.

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

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

The Chambers amendment was adopted with 31 ayes, 4 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers withdrew his pending amendment, AM2254, found on page 329.

The Standing Committee amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1227. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 81-1201.21, Revised Statutes Supplement, 2002; to adopt the Nebraska Worker Productivity Investment Act; to state appropriations intent for the Job Training Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 1228. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Property and Casualty Insurance Rate and Form Act; to amend sections 44-7506 and 44-7509, Revised Statutes Supplement, 2002, and section 44-7508.01, Revised Statutes Supplement, 2003; to change provisions relating to personal lines of insurance; and to repeal the original sections.

LEGISLATIVE BILL 1229. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to public records; to amend sections 84-1202, 84-1203, 84-1206, and 84-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to the medium used for records under the Records Management Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1230. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502, Reissue Revised Statutes of Nebraska; to impose a filing fee for property valuation protests; and to repeal the original section.

LEGISLATIVE BILL 1231. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-1301, Revised Statutes Supplement, 2002; to change provisions relating to the state veteran cemetery system; to create the Nebraska Veterans Cemetery Advisory Board; to provide powers and duties; to harmonize provisions; and

to repeal the original section.

LEGISLATIVE BILL 1232. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3235, Revised Statutes Supplement, 2002; to provide powers relating to agreements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1233. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-405.01, 18-2107, 18-2142.01, and 18-2144, Reissue Revised Statutes of Nebraska, and sections 18-2113, 18-2117.01, 18-2147, and 18-2153, Revised Statutes Supplement, 2002; to change provisions relating to the Community Development Law; to change and eliminate provisions relating to cost-benefit analysis; to change provisions relating to ad valorem taxes; to harmonize provisions; to repeal the original sections; and to outright repeal section 18-2147.01, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 1234. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Regulatory Flexibility Act.

LEGISLATIVE BILL 1235. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1287 and 60-115, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-152, Revised Statutes Supplement, 2003; to increase fees; to provide for fee adjustments; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1236. Introduced by Landis, 46.

A BILL FOR AN ACT relating to computers; to amend sections 28-1341 and 28-1343, Reissue Revised Statutes of Nebraska; to change provisions relating to computer crimes; to prohibit acts relating to computer fraud and unsolicited bulk electronic mail messages; to provide for seizure and forfeiture of property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1237. Introduced by Connealy, 16; Cunningham, 40; Johnson, 37.

A BILL FOR AN ACT relating to behavioral health services; to adopt the Behavioral Health Rate Reimbursement Determination Act; and to declare an emergency.

LEGISLATIVE BILL 1238. Introduced by Landis, 46; Aguilar, 35; Byars,

30; Combs, 32; Foley, 29; Kruse, 13; Mines, 18; Schimek, 27.

A BILL FOR AN ACT relating to children; to amend sections 28-715, 28-723, 28-724, 28-727, 28-731, and 43-3001, Reissue Revised Statutes of Nebraska, sections 28-710, 28-711, 28-713, 28-713.01, 28-725, 28-726, 28-728, 28-729, 28-730, and 43-245, Revised Statutes Supplement, 2002, and section 43-274, Revised Statutes Supplement, 2003; to create investigation and prosecution centers; to eliminate child abuse and neglect investigation teams and obsolete provisions; to provide powers and duties for the Attorney General and county attorneys; to change provisions relating to reports of child abuse or neglect; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-732 and 28-733, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1239. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,231, Reissue Revised Statutes of Nebraska; to provide for a study of insurance and self-insurance issues; and to repeal the original section.

LEGISLATIVE BILL 1240. Introduced by Foley, 29; Aguilar, 35; Beutler, 28; Brashear, 4; Bromm, 23; Brown, 6; Byars, 30; Combs, 32; Connealy, 16; Cudaback, 36; Engel, 17; Friend, 10; Hartnett, 45; Hudkins, 21; Jensen, 20; Johnson, 37; Jones, 43; Kruse, 13; Landis, 46; Louden, 49; McDonald, 41; Mines, 18; Mossey, 3; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Schimek, 27; Schrock, 38; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Thompson, 14; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5707, Reissue Revised Statutes of Nebraska; to change provisions relating to smoking at in-home day care sites; and to repeal the original section.

LEGISLATIVE BILL 1241. Introduced by Vrtiska, 1; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34.

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

LEGISLATIVE BILL 1242. Introduced by Vrtiska, 1; Burling, 33; Combs, 32; Hartnett, 45; Kremer, 34.

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

LEGISLATIVE BILL 1243. Introduced by Preister, 5.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,162.02, 81-2,162.03, 81-2,162.04, 81-2,162.06, 81-2,162.07, and 81-2,162.11, Reissue Revised Statutes of Nebraska; to change definitions; to change provisions relating to commercial fertilizer and soil conditioner; and to repeal the original sections.

LEGISLATIVE BILL 1244. Introduced by Redfield, 12; Bourne, 8.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to motor vehicle repair parts.

LEGISLATIVE BILL 1245. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to personal property; to amend sections 69-1330 to 69-1332, Reissue Revised Statutes of Nebraska; to provide for the release of unclaimed or abandoned property to the finder as prescribed; to provide duties for the county sheriff; and to repeal the original sections.

LEGISLATIVE BILL 1246. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-109, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska, and section 15-202, Revised Statutes Supplement, 2002; to prohibit occupation, business, and license taxes related to motor fuel; and to repeal the original sections.

LEGISLATIVE BILL 1247. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1497, Reissue Revised Statutes of Nebraska, and section 49-1496, Revised Statutes Supplement, 2002; to change requirements for statements of financial interest; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1248. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to school funding; to provide for a system of funding elementary and secondary education; to provide duties for the Education Committee of the Legislature and the Revisor of Statutes; and to provide for an operative date.

LEGISLATIVE BILL 1249. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2101 and 77-2101.03, Reissue Revised Statutes of Nebraska; to redefine terms; to change the estate tax rate; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1250. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Reissue Revised Statutes of Nebraska; to prohibit the issuance of licenses for substance abuse treatment centers as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 602. The Chambers pending motion, found on page 1610, First Session, 2003, to recommit to the Judiciary Committee, was renewed.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1251. Introduced by Aguilar, 35; Combs, 32; Foley, 29; Jensen, 20; Kruse, 13; McDonald, 41; Price, 26; Quandahl, 31; Redfield, 12; Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to children; to amend sections 43-1301, 43-1308, 43-1309, and 43-1310, Reissue Revised Statutes of Nebraska, and sections 28-726 and 43-1303, Revised Statutes Supplement, 2002; to provide powers and duties for the State Foster Care Review Board regarding reports of child abuse or neglect; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 1252. Introduced by Johnson, 37; Aguilar, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Revised Statutes Supplement, 2003; to redefine terms for purposes of budget limitations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1253. Introduced by Synowiecki, 7; Bourne, 8; Combs, 32; Cunningham, 40; Foley, 29; Friend, 10; Mines, 18; Mossey, 3; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2252.01, 29-2253, 29-2256, 29-2262.03 to 29-2262.05, 29-2265, 29-2268, 29-2270, 43-271, 43-294, 43-2,108, 43-2,113, 43-707, 43-3001, 68-1729, 68-1732, 83-170, 83-171, 83-188, 83-192, 83-195, 83-197, 83-1,109, 83-1,116, 83-1,119, 83-1,120, 83-1,128, 83-4,148, 83-4,149, 83-901, and 83-932, Reissue Revised Statutes of Nebraska, sections 20-150,

20-151, 24-227.01, 25-2407, 28-322, 29-2246, 29-2248, 29-2257, 29-2259, 29-2259.02, 29-2260.01, 29-2272, 29-2935, 29-4009, 43-253, 43-260, 43-286, 43-2411, 43-3505, 43-3507, and 81-1401, Revised Statutes Supplement, 2002, and sections 24-205, 29-2250, 29-2254, 29-2258, 29-2259.01, 29-2261, 29-2262, 29-2262.07, 29-2263, 29-2266, 43-250, 43-260.05, 43-274, 47-623, 47-624, 47-627 to 47-629, 83-1,107 to 83-1,107.02, and 83-1,125, Revised Statutes Supplement, 2003; to adopt the Department of Community Corrections Act; to change, transfer, and eliminate provisions relating to the Nebraska Probation Administration Act, the Nebraska Treatment and Corrections Act, probation, and parole; to change provisions relating to confidentiality and penalties for violation of confidentiality as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-2249, 29-2251, 83-1,100, 83-1,100.01, 83-1,101, 83-1,103, and 83-1,104, Reissue Revised Statutes of Nebraska, and sections 29-2252, 83-1,102, and 83-933, Revised Statutes Supplement, 2003.

LEGISLATIVE BILL 1254. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-145, Reissue Revised Statutes of Nebraska; to change provisions relating to purchase of goods and services from the department; and to repeal the original section.

LEGISLATIVE BILL 1255. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1211, 37-1279, 37-1280, 37-1283 to 37-1287, 60-111, 60-114 to 60-116, 77-2703, and 81-8,219, Reissue Revised Statutes of Nebraska, sections 13-910, 37-1282, 37-1290, 52-1801, 60-107, 60-108, 60-110, 60-112, and 60-302, Revised Statutes Supplement, 2002, sections 60-106, 60-150 to 60-152, 60-154 to 60-159, and 60-1411.02, Revised Statutes Supplement, 2003, and section 2A-104, Uniform Commercial Code; to name the Certificate of Title Act; to provide for an electronic lien and paperless titling system; to change fee provisions; to require payment of sales tax for issuance of certificates of title; to harmonize provisions; to provide operative dates; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 224CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1, and add a new section 1C to Article VIII:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; ~~and~~ (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property

tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises; and (9) the Legislature may allow municipalities, counties, and school districts to jointly grant an abatement of real or personal property taxes, in whole or in part, for no more than fifteen years, for projects as provided under section 1C of this article. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature."

VIII-1C "(1) The Legislature may provide for the abatement of taxes on real or personal property in whole or in part for qualifying projects for no more than fifteen years. Such abatements shall only be provided after agreement of the county, school district, and municipality, if applicable, in which the property that would be the subject of the abatement is located. A taxpayer shall apply for benefits with the county, school district, and municipality, if applicable, before any grant of the abatement is agreed to. An abatement agreement shall be entered into between the taxpayer and the county, school district, and municipality, if applicable, as a condition for any abatement provided for in this section. Any county, school district, or municipality agreeing to any abatement shall be held accountable for no less than twenty percent of any valuation of real and personal property eligible for abatement with respect to any state funds distributed to local governments under any formula that seeks to equalize property tax resources available to such counties, school districts, and municipalities.

(2) Any taxpayer eligible for the abatement shall pay at least the state average wage as defined by the Legislature. Other qualifications for the abatement shall be established by the Legislature, but a taxpayer involved in the retail sale of goods or services shall not be eligible for abatement.

(3) Beginning on the effective date of this constitutional amendment, there shall be no new applications for benefits for any program granting tax credits, refunds, or abatements for increasing employment or investment in the state under any program first enacted more than fifteen years before the effective date of this constitutional amendment."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize property tax abatements and to prohibit new applications for existing tax incentives.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 225CA. Introduced by Brashear, 4.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 13:

VII-13 "The Legislature may establish two-year state colleges and four-year state colleges by law, by founding such colleges or by assuming operation of existing colleges.

If only four-year state colleges are established, the general government of the four-year state colleges as now existing, and such other four-year state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio. If both two-year state colleges and four-year state colleges are established, the government of such state colleges shall be vested, under the direction of the Legislature, in a board of such number as determined by the Legislature and appointed or elected in a manner and for terms as determined by the Legislature. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for establishment and governance of two-year and four-year state colleges.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 226. Introduced by Quandahl, 31.

WHEREAS, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

WHEREAS, under the United States Constitution, the states are to determine public policy; and

WHEREAS, our present federal government has from time to time strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates applied to the states; and

WHEREAS, these mandates by the way of statute, rule, or judicial decision have forced state governments to serve as an administrative arm of the federal government; and

WHEREAS, some federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase

taxes to comply with federal mandates; and

WHEREAS, these court actions interfere with the legislative process; and

WHEREAS, the people of this great nation and their duly elected representatives in state government reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

WHEREAS, the lawmakers of Alabama, Alaska, Arizona, Colorado, Delaware, Guam, Illinois, Kansas, Louisiana, Mariana Islands, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

WHEREAS, the amendment was previously introduced in Congress; and

WHEREAS, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people against the people's wishes.

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 prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That the Secretary of State of the State of Nebraska transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska Congressional Delegation.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 227CA. Introduced by Maxwell, 9.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 19:

III-7 "(1) At the general election to be held in November 1964, one-half

the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

(2) Each member of the Legislature shall receive a salary ~~of not to exceed one thousand dollars per month during the term of his or her office equal to one and one-half times the Nebraska average annual income.~~ The Nebraska average annual income shall be determined by the Tax Commissioner. The Tax Commissioner shall determine the Nebraska average annual income in each odd-numbered year using income figures for the prior calendar year. The salary calculated using such Nebraska average annual income shall be the amount payable to each member commencing July 1 in that odd-numbered year and until the next July in an odd-numbered year. Each member shall receive one thousand dollars per month until July 1, 2005.

(3) In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. ~~Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~

(4) In addition to the compensation provided for in this section, members of the Legislature shall receive the same benefits and perquisites provided to full-time employees of the Legislature."

III-19 "The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

~~The~~ Except as provided in Article III, section 7 of the Constitution of Nebraska, the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members ~~elected or appointed to the Legislature or the judiciary; or officers elected or appointed to a board or commission having more than one member; and the terms of such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.~~

Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who

has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of the Constitution of Nebraska."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change compensation and benefit provisions for members and employees of the Legislature.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 228CA. Introduced by Maxwell, 9.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the primary election in May 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1A:

VIII-1A "(1) The state shall be prohibited from levying a property tax for state purposes, except that the state may levy a tax on fifty percent of the taxable valuation of real property to fund the free instruction in the common schools described in Article VII, section 1, of this Constitution.

(2) Political subdivisions shall not levy a property tax to fund the free instruction in the common schools except for capital improvements or except by a vote of the residents of the political subdivision in the manner prescribed by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize a state tax on real property to fund the free instruction in the common schools and to prohibit a local property tax for such purpose as prescribed.

For

Against".

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 644:
AM2258

1 1. In the Hartnett amendment, AM0402, on page 1, line 3,

2 strike "2003" and insert "2004".

Senator Synowiecki filed the following amendment to LB 278:
(Amendment, AM2181, is printed separately and available in the Bill Room, Room 1104.)

Senator Quandahl filed the following amendment to LB 227:
AM2236

- 1 1. On page 5, line 4, after "(a)" insert "The vehicle is
- 2 traveling twenty-five miles per hour or less;
- 3 (b)"; in line 8 strike "(b)" and insert "(c)"; and in
- 4 line 11 strike "(c)" and insert "(d)".

Senator Smith filed the following amendment to LB 602:
AM1987

(Amendments to Standing Committee amendments, AM0971)

- 1 1. On page 2, line 5, after the semicolon insert "or";
- 2 and strike beginning with "Derive" in line 6 through "(3)" in line
- 3 7.

Senator Smith filed the following amendment to LB 602:
AM2267

(Amendments to Standing Committee amendments, AM0971)

- 1 1. On page 2, line 5, after the semicolon insert "or";
- 2 and strike beginning with "Derive" in line 6 through "(3)" in line
- 3 7.

STANDING COMMITTEE REPORTS

Agriculture

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

Nebraska State Fair Board
Francis Partsch

VOTE: Aye: Senators Kremer, Erdman, Burling, Cunningham, Mossey, and Preister. Nay: None. Absent: Senators Chambers and Vrtiska.

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

Beginning Farmer Board
Donald Anthony
Bert Garvin

VOTE: Aye: Senators Kremer, Erdman, Burling, Cunningham, Mossey, and Preister. Nay: None. Absent: Senators Chambers and Vrtiska.

(Signed) Bob Kremer, Chairperson

Nebraska Retirement Systems

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

Nebraska Investment Council
Gail Werner-Robertson

VOTE: Aye: Senators Bourne, Erdman, Price, Stuhr, Synowiecki, and Wehrbein. Nay: None. Absent: None.

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

Public Employees Retirement Board
Roger Rea

VOTE: Aye: Senators Bourne, Erdman, Price, Stuhr, Synowiecki, and Wehrbein. Nay: None. Absent: None.

(Signed) Elaine Stuhr, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 986	Wednesday, January 28, 2004	1:30 p.m.
LB 873	Wednesday, January 28, 2004	1:30 p.m.
LB 880	Wednesday, January 28, 2004	1:30 p.m.
LB 881	Wednesday, January 28, 2004	1:30 p.m.
LB 879	Wednesday, January 28, 2004	1:30 p.m.

(Signed) David Landis, Chairperson

Judiciary
Room 1113

LB 855	Wednesday, January 28, 2004	1:30 p.m.
LB 874	Wednesday, January 28, 2004	1:30 p.m.
LB 933	Wednesday, January 28, 2004	1:30 p.m.
LB 1028	Wednesday, January 28, 2004	1:30 p.m.
LB 1059	Wednesday, January 28, 2004	1:30 p.m.

LB 1076	Wednesday, January 28, 2004	1:30 p.m.
LB 817	Thursday, January 29, 2004	1:30 p.m.
LB 1000	Thursday, January 29, 2004	1:30 p.m.
LB 1001	Thursday, January 29, 2004	1:30 p.m.
LB 1101	Thursday, January 29, 2004	1:30 p.m.
LB 1116	Thursday, January 29, 2004	1:30 p.m.
LB 1117	Thursday, January 29, 2004	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 908. Placed on General File.

(Signed) Tom Baker, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 961. Placed on General File.

(Signed) Elaine Stuhr, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 316. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 850. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 870. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 1046. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 1046. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 1136. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1149. No objections. So ordered.

Senator Mossey asked unanimous consent to have his name added as cointroducer to LB 1176. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Cudaback withdrew his name as cointroducer to LB 914.

VISITORS

Visitors to the Chamber were Leonard Horton from Omaha; Jerry Palmer from Tekamah; Senator Engel's sister-in-law, Yvonne Engel, and Donna Clauff from Elkhorn; and Talia Head from Omaha.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, January 22, 2004.

Patrick J. O'Donnell
Clerk of the Legislature