

THIRTY-SEVENTH DAY - MARCH 5, 2004**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 5, 2004

PRAYER

The prayer was offered by Pastor Greg Volzke, Christ Lutheran Church, Juniata.

ROLL CALL

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

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Bromm, Brown, Combs, Cunningham, Engel, Dw. Pedersen, Quandahl, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 4, 2004, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

American Communications Group, Inc.
YMCA of Nebraska

Cutshall & Associates
Wheatland Industries, LLC

O'Hara, Lindsay & Associates, Inc.
City of Hastings
City of Norfolk

Motorola, Inc. (Withdrawn 03/02/2004)

COMMUNICATIONS

Received petitions from the Douglas County Board of Commissioners adopted on January 6, 2004.

Received petitions from the Douglas County Board of Commissioners adopted on January 13, 2004.

Received petitions from the Douglas County Board of Commissioners adopted on January 27, 2004.

Received petitions from the Douglas County Board of Commissioners adopted on February 3, 2004.

Received petitions from the Douglas County Board of Commissioners adopted on February 10, 2004.

Received petition from the Nance County adopted on February 24, 2004.

MOTION - Approve Appointment

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment found on page 816:

Public Employees Retirement Board
Dale L. Kahla

Voting in the affirmative, 25:

Aguilar	Erdman	Johnson	Mines	Schrock
Bourne	Foley	Kremer	Mossey	Stuhr
Byars	Friend	Louden	Pederson, D.	Stuthman
Connealy	Janssen	Maxwell	Raikes	Synowiecki
Cudaback	Jensen	McDonald	Schimek	Tyson

Voting in the negative, 0.

Present and not voting, 15:

Baker	Burling	Jones	Preister	Smith
Beutler	Chambers	Kruse	Price	Thompson
Brashear	Hudkins	Landis	Redfield	Vrtiska

Excused and not voting, 9:

Bromm	Combs	Engel	Pedersen, Dw.	Wehrbein
Brown	Cunningham	Hartnett	Quandahl	

The appointment was confirmed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 209CA. Senator Chambers renewed his pending motion, found on page 883, to bracket until April 15, 2004.

SPEAKER BROMM PRESIDING

Senator Chambers withdrew his motion to bracket.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 244 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 244.

GENERAL FILE

LEGISLATIVE RESOLUTION 209CA. The Landis pending amendment, AM2822, found on page 779 and considered on page 883, to the Standing Committee amendment, was renewed.

Senator D. Pederson offered the following motion:
Bracket LR 209CA until April 15, 2004.

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

Senator Thompson moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 32:

Aguilar	Cudaback	Jones	Pedersen, Dw.	Stuthman
Baker	Cunningham	Kremer	Pederson, D.	Synowiecki
Beutler	Engel	Kruse	Quandahl	Thompson
Brashear	Foley	Landis	Raikes	Wehrbein
Byars	Hudkins	Maxwell	Redfield	
Combs	Janssen	Mines	Schrock	
Connealy	Johnson	Mossey	Stuhr	

Voting in the negative, 10:

Bourne	Burling	Erdman	Preister	Tyson
Brown	Chambers	Louden	Smith	Vrtiska

Present and not voting, 5:

Bromm	Friend	Jensen	Price	Schimek
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Excused and not voting, 2:

Hartnett	McDonald
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The motion to cease debate prevailed with 32 ayes, 10 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Thompson moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Senator Landis requested a roll call vote on the D. Pederson motion to bracket.

Voting in the affirmative, 6:

Aguilar	Raikes	Thompson
Pederson, D.	Redfield	Tyson

Voting in the negative, 33:

Baker	Combs	Hudkins	Maxwell	Smith
Beutler	Connealy	Janssen	Mines	Stuhr
Brashear	Cudaback	Johnson	Mossey	Stuthman
Bromm	Cunningham	Jones	Pedersen, Dw.	Vrtiska
Burling	Erdman	Kremer	Price	Wehrbein
Byars	Foley	Landis	Schimek	
Chambers	Friend	Louden	Schrock	

Present and not voting, 9:

Bourne	Engel	Kruse	Preister	Synowiecki
Brown	Jensen	McDonald	Quandahl	

Excused and not voting, 1:

Hartnett

The D. Pederson motion to bracket failed with 6 ayes, 33 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 1005:
AM2623

- 1 1. Insert the following new section:
- 2 "Sec. 79. Section 71-5707, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-5707. (1) No person shall smoke in a public place or
- 5 at a public meeting except in designated smoking areas. This
- 6 prohibition does not apply in cases in which an entire room or hall
- 7 is used for a private social function and seating arrangements are
- 8 under the control of the sponsor of the function and not of the
- 9 proprietor or person in charge of such room or hall.
- 10 (2) With respect to factories, warehouses, and similar
- 11 places of work not usually frequented by the general public, the
- 12 Department of Health and Human Services Regulation and Licensure
- 13 shall, in consultation with the Department of Labor, establish
- 14 rules to restrict or prohibit smoking in those places of work where
- 15 the close proximity of workers or the inadequacy of ventilation
- 16 causes smoke pollution detrimental to the health and comfort of
- 17 nonsmoking employees.
- 18 (3) No person shall smoke at a site where child care
- 19 programs required to be licensed under section 71-1911 are
- 20 provided. ~~This prohibition does not apply if the child care~~
- 21 ~~program is located in the home of the provider~~ This prohibition
- 22 applies to a child care program located in the home of the provider
- 23 only during times one or more client's children are present in any
- 24 part of the home.
- 1 (4) Smoking is prohibited in all vehicles owned or leased
- 2 by the state and in all buildings, and the area within ten feet of
- 3 any entrance of such buildings, which are owned, leased, or
- 4 occupied by the state except as provided in subsections (5), (6),
- 5 and (7) of this section.
- 6 (5) The following buildings or areas within buildings in
- 7 which persons reside or lodge may be exempt from this section: (a)

8 Nebraska veterans homes established pursuant to section 80-315; (b)
 9 private residences; (c) facilities and institutions under the
 10 control of the Department of Health and Human Services; and (d)
 11 overnight lodging facilities and buildings managed by the Game and
 12 Parks Commission, but no more than twenty-five percent of the
 13 overnight lodging facilities at each park location shall permit
 14 smoking.

15 (6) Designated smoking areas not to exceed fifty percent
 16 of the space used by the public may be established in state-owned
 17 buildings at the Nebraska State Fairgrounds that possess a Class C,
 18 I, or M license for the sale of alcoholic liquor for consumption on
 19 the premises under the Nebraska Liquor Control Act.

20 (7) Smoking may be permitted in no more than forty
 21 percent of the residential housing rooms or units owned or leased
 22 on each campus under the control of the Board of Regents of the
 23 University of Nebraska or the Board of Trustees of the Nebraska
 24 State Colleges."

25 2. On page 94, line 27, after "71-5668," insert
 26 "71-5707,".

27 3. Renumber the remaining sections accordingly.

Senator Cunningham filed the following amendment to LB 1005:
 AM2910

1 1. Strike original sections 73, 75, and 76 and insert
 2 the following new sections:
 3 "Sec. 73. Section 71-5651, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 71-5651. (1) The Legislature finds that (a) residents of
 6 rural Nebraska frequently encounter difficulties in obtaining
 7 medical care due to the lack of health care providers, facilities,
 8 and services, (b) many rural communities experience problems in
 9 recruiting and retaining health care providers, (c) rural residents
 10 are often required to travel long distances in order to obtain
 11 health care services, (d) elderly and uninsured persons constitute
 12 a high proportion of the population in rural Nebraska, (e) many
 13 rural hospitals are experiencing declining patient revenue and are
 14 being forced to reconsider the scope and nature of the health care
 15 services they provide, (f) the physical and economic stresses of
 16 rural living can lead to an increased need for mental health
 17 services in rural Nebraska, (g) the conditions described in this
 18 section can lead to situations in which residents of rural Nebraska
 19 receive a lower level of health care services than their urban
 20 counterparts, and (h) some of the conditions described in this
 21 subsection also exist in underserved portions of metropolitan areas
 22 within the state.
 23 (2) The Legislature further finds that the health care
 24 industry is a vital component of the economic base of many rural
 1 communities and that the maintenance and enhancement of this
 2 industry can play a significant role in efforts to further the

3 economic development of rural communities.

4 (3) The Legislature further finds that the inherent
5 limitations imposed upon health care delivery mechanisms by the
6 rural environment can be partially overcome through a greater
7 emphasis on the development of health care systems that emphasize
8 the linkage and integration of health care resources in neighboring
9 communities as well as the development of new resources.

10 (4) The Legislature further finds that postsecondary
11 education of medical, dental, and mental health professionals is
12 important to the welfare of the state. The Legislature further
13 recognizes and declares that the state can help alleviate the
14 problems of maldistribution and shortages of medical, dental, and
15 mental health personnel through programs offering financial
16 incentives to practice in areas of shortage.

17 Sec. 74. Section 71-5652, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-5652. The purposes of the Rural Health Systems and
20 Professional Incentive Act ~~shall be~~ are to (1) create the Nebraska
21 Rural Health Advisory Commission and establish its powers and
22 duties, (2) establish a student loan program that will provide
23 financial incentives to medical, dental, master's level and
24 doctorate-level mental health, and physician assistant students who
25 agree to practice their profession in a designated health
26 profession shortage area within Nebraska, and (3) establish a loan
27 repayment program that will require community matching funds and
1 will provide financial incentives to eligible ~~public~~ health
2 professionals who agree to practice their profession in a
3 designated health profession shortage area within Nebraska.

4 Sec. 75. Section 71-5653, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-5653. For purposes of the Rural Health Systems and
7 Professional Incentive Act:

8 (1) Approved medical specialty means family practice,
9 general practice, general internal medicine, general pediatrics,
10 general surgery, obstetrics/gynecology, and psychiatry;

11 (2) Approved dental specialty means general practice,
12 pediatric dentistry, and oral surgery;

13 (3) Approved mental health practice program means an
14 approved educational program consisting of a master's or doctorate
15 degree with the focus being primarily therapeutic mental health and
16 meeting the educational requirements for licensure in mental health
17 practice or psychology by the Department of Health and Human
18 Services Regulation and Licensure;

19 (4) Commission means the Nebraska Rural Health Advisory
20 Commission;

21 ~~(4)~~ (5) Department means the Department of Health and
22 Human Services;

23 ~~(5)~~ (6) Doctorate-level mental health student means a
24 graduate student enrolled in or accepted for enrollment in an

25 approved mental health practice program leading to a doctorate
 26 degree and meeting the educational requirements for licensure in
 27 psychology by the Department of Health and Human Services

1 Regulation and Licensure:

2 ~~(7)~~ (8) Full-time practice means a minimum of forty hours per
 3 week;

4 ~~(6)~~ (8) Health care means both somatic and mental health
 5 care services;

6 ~~(7)~~ (9) Master's level mental health student means a
 7 graduate student enrolled in or accepted for enrollment in an
 8 approved mental health practice program leading to a master's
 9 degree and meeting the educational requirements for licensure in
 10 mental health practice by the Department of Health and Human
 11 Services Regulation and Licensure;

12 ~~(10)~~ (11) Office means the Office of Rural Health;

13 ~~(8)~~ (11) Qualified educational debts means government and
 14 commercial loans obtained by students for postsecondary education
 15 tuition, other educational expenses, and reasonable living
 16 expenses, as determined by the department, but does not include
 17 loans received under the act or the Nebraska Medical Student
 18 Assistance Act; and

19 ~~(9)~~ (12) Rural means located within any county in
 20 Nebraska having a population of less than fifteen thousand
 21 inhabitants and not included within a metropolitan statistical area
 22 as defined by the United States Department of Commerce, Bureau of
 23 the Census.

24 Sec. 77. Section 71-5661, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 71-5661. (1) The financial incentives provided by the
 27 Rural Health Systems and Professional Incentive Act shall consist
 1 of (a) student loans to eligible students for attendance at an
 2 eligible school as determined pursuant to section 71-5662 and (b)
 3 the repayment of qualified educational debts owed by eligible
 4 health professionals as determined pursuant to such section. Funds
 5 for such incentives shall be appropriated from the General Fund to
 6 the department for such purposes.

7 (2) The Rural Health Professional Incentive Fund is
 8 created. The fund shall be used to carry out the purposes of the
 9 act. Money credited pursuant to section 71-5670.01 and payments
 10 received pursuant to sections 71-5666 and 71-5668 shall be remitted
 11 to the State Treasurer for credit to the fund. Any money in the
 12 fund available for investment shall be invested by the state
 13 investment officer pursuant to the Nebraska Capital Expansion Act
 14 and the Nebraska State Funds Investment Act.

15 Sec. 78. Section 71-5662, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 71-5662. (1) To be eligible for a student loan under the
 18 Rural Health Systems and Professional Incentive Act, an applicant
 19 or a recipient shall be enrolled or accepted for enrollment in an

20 accredited medical or dental education program or physician
21 assistant education program or an approved mental health practice
22 program in Nebraska.

23 (2) To be eligible for loan repayment under the act, an
24 applicant or a recipient shall be a pharmacist, a dentist, a
25 physical therapist, an occupational therapist, a mental health
26 practitioner, a psychologist licensed under the requirements of
27 section 71-1,206.15 or the equivalent thereof, an advanced practice
1 registered nurse, a physician assistant, or a physician in an
2 approved specialty and shall be licensed ~~or certified~~ to practice
3 in Nebraska, not be enrolled in a residency program, not be
4 practicing under a provisional or temporary license, and enter
5 practice in a designated health profession shortage area in
6 Nebraska.

7 Sec. 79. Section 71-5663, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-5663. (1) The amount of financial assistance provided
10 through student loans pursuant to the Rural Health Systems and
11 Professional Incentive Act shall be limited to twenty thousand
12 dollars for each recipient for each academic year and shall not
13 exceed eighty thousand dollars per medical, ~~or dental,~~ or
14 doctorate-level mental health student or twenty thousand dollars
15 per master's level mental health or physician assistant student.

16 (2) The amount of financial assistance provided by the
17 state through loan repayments pursuant to the act (a) for
18 physicians, dentists, and ~~clinical~~ psychologists shall be limited
19 to ten thousand dollars per recipient per year of full-time
20 practice in a designated health profession shortage area and shall
21 not exceed thirty thousand dollars per recipient and (b) for
22 physician assistants, advanced practice registered nurses,
23 pharmacists, physical therapists, occupational therapists, and
24 ~~master's level mental health professionals~~ mental health
25 practitioners shall be limited to five thousand dollars per
26 recipient per year of full-time practice in a designated health
27 profession shortage area and shall not exceed fifteen thousand
1 dollars per recipient.

2 Sec. 81. Section 71-5666, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-5666. Each student loan recipient shall execute an
5 agreement with the state. Such agreement shall include the
6 following terms, as appropriate:

7 (1) The borrower agrees to practice the equivalent of one
8 year of full-time practice of an approved specialty in a designated
9 health profession shortage area in Nebraska for each year of
10 education for which a loan is received and agrees to accept
11 medicaid patients in his or her practice;

12 (2) If the borrower practices an approved specialty in a
13 designated health profession shortage area in Nebraska, the loan
14 shall be forgiven as provided in this section. Practice in a

15 designated area shall commence within three months of the
 16 completion of formal education, which may include a period not to
 17 exceed five years to complete specialty training in an approved
 18 specialty. The commission may approve exceptions to the
 19 three-month restriction upon showing good cause. Loan forgiveness
 20 shall occur on a quarterly basis, with completion of the equivalent
 21 of three months of full-time practice resulting in the cancellation
 22 of one-fourth of the annual loan amount;

23 (3) If the borrower practices an approved specialty in
 24 Nebraska but not in a designated health profession shortage area,
 25 practices a specialty other than an approved specialty in Nebraska,
 26 or practices outside Nebraska, the borrower shall repay one hundred
 27 percent of the outstanding loan principal with interest at a rate
 1 of twenty-four percent simple interest per year from the date the
 2 loan was granted. Such repayment shall commence within six months
 3 of the completion of formal education, which may include a period
 4 not to exceed five years to complete specialty training in an
 5 approved specialty, and shall be completed within a period not to
 6 exceed twice the number of years for which loans were awarded;

7 (4) If a borrower who is a medical, ~~or~~ dental, or
 8 doctorate-level mental health student determines during the first
 9 or second year of medical, ~~or~~ dental, or doctorate-level mental
 10 health education that his or her commitment to the loan program
 11 cannot be honored, the borrower may repay the outstanding loan
 12 principal, plus six percent simple interest per year from the date
 13 the loan was granted, prior to graduation from medical or dental
 14 school or a mental health practice program without further penalty
 15 or obligation. Master's level mental health and physician
 16 physician assistant student loan recipients shall not be eligible
 17 for this provision;

18 (5) If the borrower discontinues the course of study for
 19 which the loan was granted, the borrower shall repay one hundred
 20 percent of the outstanding loan principal. Such repayment shall
 21 commence within six months of the date of discontinuation of the
 22 course of study and shall be completed within a period of time not
 23 to exceed the number of years for which loans were awarded; and

24 (6) In the event of a borrower's total and permanent
 25 disability or death, the unpaid debt accrued under the Rural Health
 26 Systems and Professional Incentive Act shall be canceled.

27 Sec. 86. Sections 1 to 72, 83 to 85, 88, and 89 of this
 1 act become operative three calendar months after the adjournment of
 2 this legislative session. The other sections of this act become
 3 operative on their effective date.

4 Sec. 87. Original sections 71-5651 to 71-5654, 71-5661
 5 to 71-5663, 71-5665, 71-5666, and 71-5668, Reissue Revised Statutes
 6 of Nebraska, are repealed.

7 Sec. 90. Since an emergency exists, this act takes
 8 effect when passed and approved according to law."

9 2. On page 94, strike beginning with "71-5652" in line

10 26 through the first comma in line 27.

11 3. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 962:
AM2916

(Amendments to Standing Committee amendments, AM2733)

- 1 1. Strike original section 99 and insert the following
2 new sections:
3 "Sec. 99. Section 81-15,173, Revised Statutes
4 Supplement, 2002, is amended to read:
5 81-15,173. The board shall have and may exercise the
6 following powers and duties:
7 (1) Adopt bylaws to govern the proceedings of the board;
8 (2) Keep records, conduct hearings, and adopt and
9 promulgate rules and regulations to carry out its duties and
10 implement the Nebraska Environmental Trust Act;
11 (3) Contract with the Game and Parks Commission for
12 administrative support; ~~and with governmental agencies for~~
13 ~~technical assistance;~~
14 (4) Contract with governmental and private agencies to
15 receive technical assistance and services;
16 ~~(5) Contract with governmental and private agencies to~~
17 ~~provide technical assistance and services;~~
18 (6) Establish environmental ~~priorities~~ categories for use
19 of the funds and develop an appropriate rating system for each
20 category;
21 ~~(7) Establish ad hoc advisory boards and~~
22 ~~subcommittees;~~
23 ~~(8) Sponsor or assist environmental proposals~~
1 pertaining to the environmental ~~priorities~~ categories of the board,
2 including issuing grants to agencies, organizations, and persons
3 engaged in the purposes of the trust;
4 ~~(7) (9) Cooperate with or assist any unit of the state,~~
5 any political subdivision, or any private, public, or federal
6 agency, foundation, or person in furtherance of the purposes of the
7 trust;
8 ~~(8) (10) Acquire and dispose of personal property in~~
9 furtherance of the purposes of the trust; and
10 ~~(9) (11) Apply for or accept any gift, grant, bequest,~~
11 royalty, or donation, designate the fund to which it will be
12 credited, and expend the proceeds in furtherance of the purposes of
13 the trust.
14 Sec. 100. Section 81-15,175, Revised Statutes
15 Supplement, 2002, is amended to read:
16 81-15,175. (1) The board may make an annual allocation
17 each fiscal year from the Nebraska Environmental Trust Fund to the
18 Nebraska Environmental Endowment Fund as provided in section
19 81-15,174.01. The board shall make annual allocations from the
20 Nebraska Environmental Trust Fund and may make annual allocations

21 each fiscal year from the Nebraska Environmental Endowment Fund for
 22 projects which conform to the environmental priorities categories
 23 of the board established pursuant to section 81-15,176 and to the
 24 extent the board determines those projects to have merit. The
 25 board shall establish ~~an annual calendar~~ a calendar annually for
 26 receiving and evaluating proposals and awarding grants. To
 27 evaluate the economic, financial, and technical feasibility of
 1 proposals, the board may establish subcommittees, request or
 2 contract for assistance, or establish advisory groups. Private
 3 citizens serving on advisory groups shall be reimbursed for their
 4 actual and necessary expenses pursuant to sections 81-1174 to
 5 81-1177.

6 (2) The board shall establish ~~a rating system~~ rating
 7 systems for ranking proposals which meet the board's environmental
 8 priorities categories and other criteria. The rating ~~system~~
 9 systems shall include, but not be limited to, the following
 10 considerations:

11 (a) Conformance with priorities categories established
 12 pursuant to section 81-15,176;

13 (b) Amount of funds committed from other funding sources;

14 (c) Encouragement of public-private partnerships;

15 (d) Geographic mix of projects over time;

16 (e) Cost-effectiveness and economic impact;

17 (f) Direct environmental impact; and

18 (g) Environmental benefit to the general public and the
 19 long-term nature of such public benefit.

20 (3) The board may establish a subcommittee to rate grant
 21 applications. If the board uses a subcommittee, the subcommittee
 22 shall (a) use the rating ~~system~~ systems established by the board
 23 under subsection (2) of this section, (b) assign a numeric value to
 24 each rating criterion, combine these values into a total score for
 25 each application, and rank the applications by the total scores,
 26 (c) recommend an amount of funding for each application, which
 27 amount may be more or less than the requested amount, and (d)

1 submit the ranked list and recommended funding to the board for its
 2 approval or disapproval. A motion to deviate from the
 3 subcommittee's recommendations must specify the reason for doing so
 4 and be adopted with an affirmative vote of not fewer than eight
 5 members of the board.

6 (4) The board may commit funds to multiyear projects,
 7 subject to available funds and appropriations. No commitment shall
 8 exceed three years without formal action by the board to renew the
 9 grant or contract. Multiyear commitments may be exempt from the
 10 rating process except for the initial application and requests to
 11 renew the commitment.

12 (5) The board shall adopt and promulgate rules and
 13 regulations and publish guidelines governing allocations from the
 14 fund. The board shall conduct annual reviews of existing projects
 15 for compliance with project goals and grant requirements.

16 (6) Every five years the board may evaluate the long-term
17 effects of the projects it funds. The evaluation may assess a
18 sample of such projects. The board may hire an independent
19 consultant to conduct the evaluation and may report the evaluation
20 findings to the Legislature and the Governor.

21 Sec. 101. Section 81-15,176, Revised Statutes
22 Supplement, 2002, is amended to read:

23 81-15,176. (1) Subject to subsection (3) of this
24 section, the board shall establish environmental ~~priorities for~~
25 categories of projects eligible for funding by the trust. The
26 board, after allowing opportunity for public comment, shall
27 designate as ~~priorities~~ categories those environmental goals which
1 most affect the natural physical and biological environment in
2 Nebraska, including the air, land, ground water and surface water,
3 flora and fauna, prairies and forests, wildlife and wildlife
4 habitat, and areas of aesthetic or scenic values. In designating
5 environmental ~~priorities~~ categories, the board shall attempt to
6 focus on the areas which promise the greatest opportunities for
7 effective action to achieve and preserve the future environmental
8 quality in the state. The board shall establish ~~priorities~~
9 categories for five-year periods beginning July 1, 1995. The board
10 may establish annual priorities within the five-year categories. ~~;~~
11 ~~except that the board may make annual modifications to refine and~~
12 ~~clarify its priorities.~~ The board shall provide for public
13 involvement in developing the ~~priorities~~ categories for such
14 five-year periods; ~~including and any priorities within these~~
15 categories, including, but not limited to, public meetings in each
16 of the three congressional districts.

17 (2) The board shall establish criteria for determining
18 the eligibility of projects for grant assistance, which criteria
19 shall include the following:

20 (a) The grants shall not provide direct assistance to
21 regulatory programs or to implement actions mandated by regulations
22 except remediation;

23 (b) No more than sixty percent of grant allocations in
24 any year shall assist remediation of soils or ground water, and no
25 grants for this purpose shall occur unless all other available
26 sources of funding are, in the opinion of the board, being
27 substantially utilized;

1 (c) The grants shall not pay for projects which provide
2 primarily private benefits or relieve private liability for
3 environmental damage;

4 (d) The grants shall not pay for projects which have
5 direct beneficiaries who could afford the costs of the benefits
6 without experiencing serious financial hardship;

7 (e) The grants should assist those projects which offer
8 the greatest environmental benefits relative to cost;

9 (f) The grants should assist those projects which provide
10 clear and direct environmental benefits;

- 11 (g) The grants should assist those projects which will
 12 make a real contribution to achieving the board's environmental
 13 ~~priorities categories~~;
- 14 (h) The grants should assist those projects which offer
 15 the greatest public benefits; and
- 16 (i) The grants shall not pay for land or easements
 17 acquired without the full and express consent of the landowner.
- 18 (3) Until the first five-year ~~priorities categories~~
 19 become effective on July 1, 1995, the board shall observe the
 20 following ~~priorities categories~~ for allocating grants:
- 21 (a) Critical habitat areas, including wetlands
 22 acquisition, preservation, and restoration and acquisition and
 23 easements of areas critical to rare or endangered species;
- 24 (b) Surface water quality, including actions to preserve
 25 lakes and streams from degradation;
- 26 (c) Ground water quality, including fostering best
 27 management practices as defined in section ~~46-656.07 42~~ of this
 1 act, actions to preserve ground water from degradation, and
 2 remediation of soils or ground water; and
- 3 (d) Development of recycling markets and reduction of
 4 solid waste volume and toxicity.
- 5 (4) The board may refine and clarify these initial
 6 ~~priorities categories~~."
- 7 2. Amend the repealer, renumber the remaining sections,
 8 and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 209CA. The Landis pending amendment, AM2822, found on page 779 and considered on page 883 and in this day's Journal, to the Standing Committee amendment, was renewed.

SENATOR ENGEL PRESIDING

Senator Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Landis amendment was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Senator Louden renewed his pending amendment, AM2828, found on page 824, to the Standing Committee amendment.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Louden moved for a call of the house. The motion prevailed with 23

ayes, 0 nays, and 26 not voting.

Senator Louden requested a roll call vote on his amendment.

Senator Mines requested the roll call vote be taken in reverse order.

Voting in the affirmative, 11:

Bourne	Jensen	Mines	Smith
Chambers	Jones	Quandahl	Tyson
Erdman	Louden	Redfield	

Voting in the negative, 12:

Beutler	Hudkins	Landis	Schimek
Byars	Janssen	Mossey	Schrock
Foley	Johnson	Raikes	Thompson

Present and not voting, 21:

Aguilar	Burling	Friend	Pedersen, Dw.	Vrtiska
Baker	Combs	Kremer	Preister	
Brashear	Cudaback	Kruse	Stuhr	
Bromm	Cunningham	Maxwell	Stuthman	
Brown	Engel	McDonald	Synowiecki	

Excused and not voting, 5:

Connealy	Hartnett	Pederson, D.	Price	Wehrbein
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The Louden amendment lost with 11 ayes, 12 nays, 21 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, AM2346, found on page 501 and considered on page 883, as amended, was renewed.

SPEAKER BROMM PRESIDING

Pending.

SELECT FILE

LEGISLATIVE BILL 16. E & R amendment, AM7178, found on page 803, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 625. Advanced to E & R for engrossment.

LEGISLATIVE BILL 878. Advanced to E & R for engrossment.

LEGISLATIVE BILL 961. Advanced to E & R for engrossment.

LEGISLATIVE BILL 835. E & R amendment, AM7176, found on page 807, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 836. E & R amendment, AM7177, found on page 807, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 821. Advanced to E & R for engrossment.

LEGISLATIVE BILL 937. Advanced to E & R for engrossment.

LEGISLATIVE BILL 820. Advanced to E & R for engrossment.

LEGISLATIVE BILL 927. Advanced to E & R for engrossment.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 936. Advanced to E & R for engrossment.

LEGISLATIVE BILL 915. Advanced to E & R for engrossment.

LEGISLATIVE BILL 818. Senator Erdman renewed his pending amendment, FA1501, found on page 801.

The Erdman amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 911. Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 211CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 947. E & R amendment, AM7179, found on page 807, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 950. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1069. Advanced to E & R for engrossment.

LEGISLATIVE BILL 940. E & R amendment, AM7181, found on page 807, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1033. E & R amendment, AM7180, found on page 807, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1179. Advanced to E & R for engrossment.

MOTION - Return LB 560 to Select File

Senator Baker moved to return LB 560 to Select File for his specific pending amendment, AM2589, found on page 620.

The Baker motion to return prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 560. The Baker specific pending amendment, AM2589, found on page 620, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 75. Senator Hudkins renewed her pending amendment, AM2320, found on page 410.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Brown offered the following amendment:

FA1533

Amend AM2221

On page 1, line 13 after 'candidate' insert 'who has not passed a background investigation'

Senator Brown moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Brown amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 479. E & R amendment, AM7164, printed separately and referred to on page 422, was adopted.

Senator Baker renewed his pending amendment, AM2713, found on page 686.

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

Senator Baker requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Baker	Chambers	Jensen	Redfield	Vrtiska
Beutler	Combs	Kremer	Schimek	Wehrbein
Bromm	Engel	Kruse	Schrock	
Brown	Foley	Landis	Stuhr	
Burling	Friend	Pedersen, Dw.	Stuthman	
Byars	Hudkins	Raikes	Thompson	

Voting in the negative, 2:

Cunningham Erdman

Present and not voting, 13:

Aguilar	Janssen	McDonald	Price	Synowiecki
Bourne	Johnson	Mossey	Quandahl	
Cudaback	Maxwell	Pederson, D.	Smith	

Excused and not voting, 8:

Brashear	Hartnett	Louden	Preister
Connealy	Jones	Mines	Tyson

The Baker amendment was adopted with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

The Government, Military and Veterans Affairs 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.

Accountability and Disclosure Commission

Marilee A. Fredrickson
 Andre R. Barry
 Gary Rosacker

VOTE: Aye: Senators Aguilar, Burling, Combs, McDonald, Schimek, Smith, and Vrtiska. Nay: None. Absent: Senator Brown.

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

State Emergency Response Commission
 Christine Bleich
 Richard Christensen
 Steven Wood

VOTE: Aye: Senators Aguilar, Burling, Combs, McDonald, Schimek, Smith, and Vrtiska. Nay: None. Absent: Senator Brown.

(Signed) DiAnna R. Schimek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 485A. Introduced by Janssen, 15; Cunningham, 40; Friend, 10; Mossey, 3; Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Ninety-eighth Legislature, Second Session, 2004.

LEGISLATIVE BILL 1083A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1083, Ninety-eighth Legislature, Second Session, 2004; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 249. Introduced by Hudkins, 21.

WHEREAS, Douglas Gregory Johnson of Troop 42, Malcolm, Nebraska, within the Cornhusker Council, Boy Scouts of America, earned the rank of Eagle Scout, the highest advancement rank in Scouting, on January 22, 2004; and

WHEREAS, the rank of Eagle Scout was bestowed by the Boy Scouts of America in recognition of Douglas Gregory Johnson's years of hard work,

selfless dedication, and commitment to both the organization and the community at large, as well as the steadfastness and determination that he has displayed in carrying out his Scouting duties and responsibilities; and

WHEREAS, in the course of attaining the rank of Eagle Scout, Douglas Gregory Johnson earned thirty-two merit badges and, for a community service project, obtained a much-needed new sign for the local Malcolm United Methodist Church; and

WHEREAS, only 1.2 million boys have achieved the rank of Eagle Scout since 1911 and only 2 in 100 that join the Boy Scouts, or 0.5% of the male population, earned an Eagle Scout badge; and

WHEREAS, Douglas Gregory Johnson joins the ranks of such great Eagle Scouts as Gerald Ford, the 36th President of the United States, professional baseball legend Henry "Hank" Aaron, Pulitzer Prize-winning author Wallace Stegner, astronaut Neil Armstrong, the first man on the moon, journalist Walter Cronkite, current Secretary of Defense Donald H. Rumsfeld, Apollo astronaut James A. Lovell, Jr., and Togo D. West, Jr., former Secretary of the Army and Secretary of Veterans Affairs; and

WHEREAS, in realizing his goal of becoming an Eagle Scout, Douglas Gregory Johnson has excelled in pursuing and exemplifying the essential goals of Scouting, citizenship training, character development, and personal fitness, as well as leadership, service, and outdoor skills, and will be honored for these accomplishments at a recognition ceremony to be held on March 28, 2004.

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

1. That the Legislature congratulates Douglas Gregory Johnson on his achievement of the elite rank of Eagle Scout in the Boy Scouts of America and recognizes his outstanding community service in Malcolm.

2. That a copy of this resolution be sent to Douglas Gregory Johnson and his family.

Laid over.

LEGISLATIVE RESOLUTION 250. Introduced by Byars, 30.

WHEREAS, Charles "Bud" Pentz was born in Joliet, Illinois, on April 13, 1916, and died on February 29, 2004; and

WHEREAS, Mr. Pentz was a well-known and respected broadcaster for more than 35 years and was the owner/operator of the radio station KWBE from the early 1950s and started KMAZ in 1962; and

WHEREAS, Mr. Pentz was inducted into the Nebraska Broadcasters Association Hall of Fame in 1977 and received the Nebraska Broadcast Pioneer Award for extraordinary leadership in the broadcasting business and support of broadcast education in 2002; and

WHEREAS, Mr. Pentz was an active member of various community organizations in Beatrice and Nebraska until 1987.

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 Mr. Pentz's wife, Mrs. Dorothy Pentz, his daughter Jana Pentz-McBride, and his family for their loss.

2. That a copy of this resolution be sent to Mrs. Dorothy Pentz and Ms. Jana Pentz-McBride.

Laid over.

AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 999:
AM2933

- 1 1. Strike original section 4.
- 2 2. On page 33, line 17, strike "and"; and in line 22
- 3 after "state" insert "; and
- 4 (10) A credit card bank shall provide for the insurance
- 5 of deposits as described in subdivision (1)(a) of section 8-702".
- 6 3. On page 58, line 27, strike "8-208,".
- 7 4. In the Standing Committee amendments, AM2339:
- 8 a. Strike section 29;
- 9 b. On page 31, line 17, after "deposit" insert "or time
- 10 deposits"; and in line 26 after "deposit" insert "or time deposit";
- 11 and
- 12 c. On page 32, line 2, after "deposit" insert "or time
- 13 deposits"; and in line 14 strike "30-3897,".
- 14 5. Renumber the remaining sections and correct internal
- 15 references accordingly.

Senator Brown filed the following amendment to LB 139:
AM2930

(Amendments to AM2593)

- 1 1. On page 2, line 13, after "(6)" insert "This section
- 2 shall not apply to United States Department of Transportation
- 3 workplace drug and alcohol testing programs for entities subject to
- 4 14 C.F.R. part 121, 46 C.F.R. parts 4, 5, and 16, 49 C.F.R. part
- 5 199, 49 C.F.R. part 219, 49 C.F.R. part 382, and 49 C.F.R. part
- 6 655, as such parts existed on the effective date of this act, or to
- 7 drug and alcohol tests conducted pursuant to 49 C.F.R. part 40, as
- 8 such part existed on the effective date of this act.
- 9 (7)".

Senator Beutler filed the following amendment to LB 999:
AM2899

(Amendments to Standing Committee amendments, AM2339)

- 1 1. On page 18, line 7, after "offer" insert ". If" and
- 2 strike ", and if" and show as stricken; and in line 10 after
- 3 "bidder" insert ", except that notice of the sale shall be given
- 4 again in the same manner as the original notice of sale was

5 required to be given".

VISITORS

Visitors to the Chamber were 17 fourth- through ninth-grade students and teacher from Cornerstone Christian School, Lincoln; Superior Junior High band from Superior; James Loye from Bellevue; 20 students and parents from Cornerstone Christian Academy and Cornerstone Baptist Church, Lincoln; 15 second- through fifth-grade home school students from Beatrice; 46 fourth-grade students and teachers from Eagle; 24 eighth-grade students and teacher from Helen Hyatt Middle School, Lincoln; and Helen Marie Pfister, Anna Marie Pfister, Bob Juhlin, and Gerry Juhlin from Newcastle.

ADJOURNMENT

At 1:41 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Monday, March 8, 2004.

Patrick J. O'Donnell
Clerk of the Legislature