

FORTY-EIGHTH DAY - MARCH 22, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 2005

PRAYER

The prayer was offered by Senator Smith.

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 Burling, Engel, Heidemann, Janssen, Landis, D. Pederson, Synowiecki, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 2005, at 12:10 p.m. were the following: LBs 9, 55e, 78, 97, 105, 115, 122, 201e, 241, 247, and 259e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

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

LEGISLATIVE BILL 214. Placed on General File as amended.
Standing Committee amendment to LB 214:
AM0873

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act shall be known and may be cited as
- 4 the Nebraska Treasures Act.
- 5 Sec. 2. (1) The Legislature finds and declares:
- 6 (a) Tourism is a growing source of employment, income,

- 7 and tax revenue in this state, and the expansion of the tourism
8 industry is vital to the growth of the state's economy;
- 9 (b) The tourism industry is important to the state, not
10 only because of the number of people it serves and the human,
11 financial, and physical resources it employs, but because of the
12 benefits tourism and related activities confer on individuals and
13 on society as a whole;
- 14 (c) Currently, promotion of tourism is funded primarily
15 at the local level with lodging taxes. Investment of state
16 resources in a limited number of tourism sites is needed to develop
17 and protect resources and to provide a more effective means of
18 marketing travel to, and within, the state by focusing on these
19 attractions that have the greatest potential to benefit the state
20 as a whole; and
- 21 (d) Coordination of existing state government involvement
22 in tourism promotion at the state level and with local government
23 and the private sector will maximize the economic and employment
24 benefits of the tourism industry.
- 1 (2) Through the Nebraska Treasures Act the Legislature
2 intends to encourage:
- 3 (a) A commitment to the fostering of the economic
4 activity inherent in tourism promotion;
- 5 (b) Development of a means to promote and market the
6 Nebraska Treasures as destinations for tourists on a nationwide
7 basis;
- 8 (c) Tourism growth to assist the state in remaining
9 competitive in the national tourism marketplace;
- 10 (d) Maximization of the contribution of the
11 tourism-related industries to the state's economic prosperity and
12 expansion of employment opportunities;
- 13 (e) Recognition of historic, natural, and scenic
14 environments, and the development of cultural and heritage tourism
15 programs and national marketing strategies, to enhance the state's
16 appeal as a destination for domestic tourism;
- 17 (f) Provision of timely, up-to-date travel and tourism
18 information on the Nebraska Treasures, to enable state residents to
19 take maximum advantage of travel opportunities within the state;
- 20 (g) Health, education, and intercultural appreciation of
21 the geography, natural resources, history, arts, and ethnicity of
22 the state;
- 23 (h) The establishment of a plan to market the Nebraska
24 Treasures to state residents and, more importantly, nonresidents;
- 25 (i) Public interest in protection of the natural
26 resources and the cultural heritage of the state; and
- 27 (j) Recognition of state and locally managed recreational
1 opportunities, including camping, hunting, fishing, boating,
2 golfing, and other outdoor recreation experiences.
- 3 Sec. 3. The Travel and Tourism Division of the
4 Department of Economic Development shall conduct a study to

5 identify the two to five existing or potential tourism sites in
6 Nebraska that have the greatest potential to attract visitors from
7 out of state. Beginning in 2010 and every five years thereafter,
8 the division may conduct a study to identify additional existing or
9 potential tourism sites in Nebraska that have the greatest
10 potential to attract visitors from out of state. The selected
11 sites, once approved by the Legislature, shall be known as the
12 Nebraska Treasures. In conducting the study, the division shall,
13 as a part of the study, form and use a geographically diverse
14 advisory committee of at least eighteen Nebraska citizens,
15 including representation from a cross-section of citizens engaged
16 in the business of promoting Nebraska tourism. The division shall
17 also hold public meetings in all three congressional districts
18 which shall be structured to allow citizens from all portions of
19 the state to come and advocate on behalf of specific tourist
20 attractions or potential tourist attractions. The division shall
21 give equal emphasis to out-of-state input with respect to national
22 consumer attitudes and consumer preferences.

23 Sec. 4. After the Travel and Tourism Division of the
24 Department of Economic Development has identified the tourism sites
25 pursuant to section 3 of this act, the division shall submit a
26 report to the Legislature. The report shall define the geographic
27 area of each site and include a summary of the input and public
1 comments received pursuant to such section. The report shall also
2 outline the reasons why the division feels the designated sites
3 will attract nonresidents if properly developed. A site shall not
4 be designated as a Nebraska Treasure until it is approved by the
5 Legislature.

6 Sec. 5. After approval of a Nebraska Treasure by the
7 Legislature, the division shall form a local advisory committee
8 from within the general geographic area of the attraction. Each
9 local advisory committee shall consist of six to eight members
10 appointed by a process set forth by the Legislature in designating
11 a site as a Nebraska Treasure. Members shall represent a
12 cross-section of the geographic area. Each local advisory
13 committee shall meet at least quarterly after appointment and shall
14 make short-term recommendations to the division for developing the
15 Nebraska Treasure within four months after appointment. After
16 receiving formal input of the local advisory committee, the
17 division shall develop short-term and long-term plans for the
18 development and promotion of the Nebraska Treasure. All plans and
19 modification to the plans shall be reviewed and approved by the
20 Governor before implementation. The local advisory committee may
21 recommend specific expenditures and suggest modifications to the
22 plan from time to time, and the plans may be reviewed and modified
23 by the division from time to time. Members shall be reimbursed for
24 actual and necessary expenses as provided in sections 81-1174 to
25 81-1177.

26 Sec. 6. (1) The Legislature shall appropriate funds to

27 the Department of Economic Development for use under this section
 1 to identify, develop, and promote the Nebraska Treasures, which
 2 funds may be used for capital projects, for marketing and other
 3 programs, for the acquisition of land or other property rights
 4 except conservation easements, or for any other purpose reasonably
 5 designed to enhance the site or to improve access to the site or to
 6 make known the site. This section shall not be construed as
 7 granting the department the authority to exercise the power of
 8 eminent domain. Funds appropriated for use under this section
 9 shall not be used for ongoing operating costs at the various sites
 10 or for administrative costs of the division, other than such
 11 minimal administrative costs of the division as may be necessary to
 12 effectively administer the Nebraska Treasures Act.
 13 (2) The Nebraska Treasures Fund is created. Any money in
 14 the fund available for investment shall be invested by the state
 15 investment officer pursuant to the Nebraska Capital Expansion Act
 16 and the Nebraska State Funds Investment Act. One hundred fifty
 17 thousand dollars shall be appropriated to the fund for each of
 18 fiscal years 2005-06 and 2006-07. The funds shall be allocated
 19 among the Nebraska Treasures by the division in proportions that
 20 best meet the long-term goal of attracting the maximum number of
 21 nonresidents to the sites. The funds may also be reallocated among
 22 the Nebraska Treasures by the division to attain such long-term
 23 goal and to account for newly designed Nebraska Treasures."

(Signed) DiAnna R. Schimek, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 221. Placed on General File.

(Signed) Tom Baker, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Reissue Revised Statutes of Nebraska; to change provisions relating to state assumption of the county assessment function; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Aguilar	Cornett	Howard	McDonald	Schimek
Baker	Cudaback	Hudkins	Mines	Schrock
Beutler	Cunningham	Jensen	Pahls	Smith
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kopplin	Preister	Stuthman
Byars	Flood	Kremer	Price	Wehrbein
Combs	Foley	Kruse	Raikes	
Connealy	Friend	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Brown Louden

Excused and not voting, 9:

Burling	Engel	Janssen	Pederson, D.	Thompson
Chambers	Heidemann	Landis	Synowiecki	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 306.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-168, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 2004; to provide for fingerprinting and criminal background checks; to change requirements for reporting certain occurrences; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Cudaback	Jensen	Mines	Smith
Baker	Cunningham	Johnson	Pahls	Stuhr
Beutler	Erdman	Kopplin	Pedersen, Dw.	Stuthman
Bourne	Fischer	Kremer	Preister	Synowiecki
Brashear	Flood	Kruse	Price	Wehrbein
Byars	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Howard	Louden	Schimek	
Cornett	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 7:

Burling	Engel	Janssen	Thompson
Chambers	Heidemann	Pederson, D.	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 306A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 306, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Aguilar	Cudaback	Jensen	Mines	Smith
Baker	Cunningham	Johnson	Pahls	Stuhr
Beutler	Erdman	Kopplin	Pedersen, Dw.	Stuthman
Bourne	Fischer	Kremer	Preister	Synowiecki
Brashear	Flood	Kruse	Price	Wehrbein
Byars	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Howard	Louden	Schimek	
Cornett	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 7:

Burling	Engel	Janssen	Thompson
Chambers	Heidemann	Pederson, D.	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 319. With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-4604.01, 71-4608, and 75-156, Reissue Revised Statutes of Nebraska; to change provisions relating to manufactured-home seals, recreational-vehicle plans and specifications, and civil penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Aguilar	Cornett	Hudkins	McDonald	Schrock
Baker	Cudaback	Jensen	Mines	Smith
Beutler	Cunningham	Johnson	Pahls	Stuhr
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kremer	Preister	Synowiecki
Brown	Flood	Kruse	Price	Wehrbein
Byars	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Howard	Louden	Schimek	

Voting in the negative, 0.

Excused and not voting, 7:

Burling	Engel	Janssen	Thompson
Chambers	Heidemann	Pederson, D.	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 320.

A BILL FOR AN ACT relating to the Nebraska Correctional Health Care Services Act; to amend section 83-4,161, Revised Statutes Supplement, 2004; to change provisions relating to screening for communicable diseases; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Aguilar	Cudaback	Jensen	Mines	Smith
Baker	Cunningham	Johnson	Pahls	Stuhr
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kremer	Preister	Synowiecki
Brown	Flood	Kruse	Price	Wehrbein
Byars	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Howard	Louden	Schimek	
Cornett	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 7:

Burling	Engel	Janssen	Thompson
Chambers	Heidemann	Pederson, D.	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 331.

A BILL FOR AN ACT relating to health care; to amend sections 71-2422, 71-2423, 71-2425, 71-2426, 71-2427, and 71-2429, Reissue Revised Statutes of Nebraska; to establish a registry for the cancer drug repository program; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Jensen	Mines	Schrock
Baker	Cunningham	Johnson	Pahls	Smith
Beutler	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Bourne	Fischer	Kremer	Pederson, D.	Stuthman
Brashear	Flood	Kruse	Preister	Synowiecki
Brown	Foley	Landis	Price	Wehrbein
Byars	Friend	Langemeier	Raikes	
Combs	Howard	Louden	Redfield	
Cornett	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Connealy

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 342.

A BILL FOR AN ACT relating to natural resources; to amend section 2-1569, Reissue Revised Statutes of Nebraska, and section 2-1568, Revised Statutes Supplement, 2004; to eliminate a technical advisory committee; to harmonize provisions; to repeal the original sections; and to outright repeal section 2-1570, Revised Statutes Supplement, 2004.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cornett	Jensen	Mines	Schrock
Baker	Cudaback	Johnson	Pahls	Smith
Beutler	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kremer	Pederson, D.	Stuthman
Brashear	Fischer	Kruse	Preister	Synowiecki
Brown	Flood	Landis	Price	Wehrbein
Byars	Foley	Langemeier	Raikes	
Combs	Howard	Louden	Redfield	
Connealy	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Friend

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to schools; to amend sections 79-586 and 79-589 to 79-592, Reissue Revised Statutes of Nebraska; to provide an alternative to bond for school district treasurers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Hudkins	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Beutler	Cunningham	Johnson	Pahls	Smith
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kremer	Pederson, D.	Stuthman
Brown	Flood	Kruse	Preister	Synowiecki
Byars	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 396.

A BILL FOR AN ACT relating to child support; to amend sections 42-358 and 42-358.02, Reissue Revised Statutes of Nebraska; to clarify a duty involving the reporting of delinquent child support; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Hudkins	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Beutler	Cunningham	Johnson	Pahls	Smith
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kremer	Pederson, D.	Stuthman
Brown	Flood	Kruse	Preister	Synowiecki
Byars	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 402.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1628, Revised Statutes Supplement, 2004; to modify provisions relating to the production of jury master lists; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Hudkins	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Beutler	Cunningham	Johnson	Pahls	Smith
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kremer	Pederson, D.	Stuthman
Brown	Flood	Kruse	Preister	Synowiecki
Byars	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 406. With Emergency.

A BILL FOR AN ACT relating to parking permits; to amend section 18-1740, Revised Statutes Supplement, 2004; to change the expiration date of parking permits issued to handicapped or disabled persons; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Hudkins	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Beutler	Cunningham	Johnson	Pahls	Smith
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kremer	Pederson, D.	Stuthman
Brown	Flood	Kruse	Preister	Synowiecki
Byars	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 450.

A BILL FOR AN ACT relating to trade practices; to amend section 87-210, Reissue Revised Statutes of Nebraska; to change provisions for trade name registration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Jensen	Mines	Schrock
Baker	Cunningham	Johnson	Pahls	Smith
Beutler	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Bourne	Fischer	Kremer	Pederson, D.	Stuthman
Brashear	Flood	Kruse	Preister	Synowiecki
Brown	Foley	Landis	Price	Wehrbein
Byars	Friend	Langemeier	Raikes	
Combs	Howard	Louden	Redfield	
Connealy	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 451.

A BILL FOR AN ACT relating to secured transactions; to amend section 52-1312, Reissue Revised Statutes of Nebraska, and section 9-522, Uniform Commercial Code; to change provisions relating to the maintenance and destruction of records; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Hudkins	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Beutler	Cunningham	Johnson	Pahls	Smith
Bourne	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kremer	Pederson, D.	Stuthman
Brown	Flood	Kruse	Preister	Synowiecki
Byars	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Engel	Janssen
Chambers	Heidemann	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 453.

A BILL FOR AN ACT relating to medical radiography; to amend section 71-3519, Reissue Revised Statutes of Nebraska; to create an advisory committee; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Aguilar	Connealy	Howard	Louden	Redfield
Baker	Cornett	Hudkins	McDonald	Schimek
Beutler	Cudaback	Jensen	Mines	Schrock
Bourne	Cunningham	Johnson	Pahls	Smith
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brown	Fischer	Kremer	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Chambers	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Burling	Engel	Heidemann	Janssen	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 471.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,232, Reissue Revised Statutes of Nebraska; to permit a rotating or flashing amber light on a motor vehicle owned by or operated on behalf of a railroad as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Aguilar	Connealy	Hudkins	Mines	Schrock
Baker	Cornett	Johnson	Pahls	Smith
Beutler	Cudaback	Kopplin	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kremer	Pederson, D.	Stuthman
Brashear	Fischer	Kruse	Preister	Synowiecki
Brown	Flood	Landis	Price	Wehrbein
Byars	Foley	Langemeier	Raikes	
Chambers	Friend	Louden	Redfield	
Combs	Howard	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Cunningham Jensen

Excused and not voting, 5:

Burling Engel Heidemann Janssen Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 475.

A BILL FOR AN ACT relating to state government; to amend section 81-2701, Reissue Revised Statutes of Nebraska; to require a written notice under the State Government Effectiveness Act; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Howard	Louden	Redfield
Baker	Cornett	Hudkins	McDonald	Schimek
Beutler	Cudaback	Jensen	Mines	Schrock
Bourne	Cunningham	Johnson	Pahls	Smith
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brown	Fischer	Kremer	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Chambers	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Burling Engel Heidemann Janssen Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 476.

A BILL FOR AN ACT relating to unclaimed property; to amend section 69-1311, Reissue Revised Statutes of Nebraska; to change notice provisions for property presumed abandoned; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Aguilar	Connealy	Howard	Louden	Redfield
Baker	Cornett	Hudkins	McDonald	Schimek
Beutler	Cudaback	Jensen	Mines	Schrock
Bourne	Cunningham	Johnson	Pahls	Smith
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brown	Fischer	Kremer	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Chambers	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Burling Engel Heidemann Janssen Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 501

Senator Preister withdrew his pending amendment, AM0854, found on page 923, to LB 501.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 501.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to change provisions

relating to the writing of minutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Aguilar	Cornett	Hudkins	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Bourne	Cunningham	Johnson	Pahls	Smith
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brown	Fischer	Kremer	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Chambers	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Burling	Engel	Heidemann	Janssen	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 525.

A BILL FOR AN ACT relating to public records; to amend section 84-1205.03, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic access to public records; to provide duties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Aguilar	Connealy	Hudkins	McDonald	Schrock
Baker	Cornett	Jensen	Mines	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Kopplin	Pederson, D.	Stuthman
Brashear	Erdman	Kremer	Preister	Synowiecki
Brown	Fischer	Kruse	Price	Wehrbein
Byars	Foley	Landis	Raikes	
Chambers	Friend	Langemeier	Redfield	
Combs	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Flood Pahls

Excused and not voting, 5:

Burling Engel Heidemann Janssen Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 528.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-318 and 17-606, Reissue Revised Statutes of Nebraska; to change provisions relating to city and village treasurers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Synowiecki
Byars	Flood	Landis	Price	Wehrbein
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 534.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-906, Revised Statutes Supplement, 2004; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Synowiecki
Byars	Flood	Landis	Price	Wehrbein
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 544.

A BILL FOR AN ACT relating to public officials; to eliminate a requirement that public officials not accept plans which are not in accordance with the Geologists Regulation Act; and to outright repeal section 81-3538, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Synowiecki
Byars	Flood	Landis	Price	Wehrbein
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 626.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-3,100, 17-501, and 17-952, Reissue Revised Statutes of Nebraska, and section 16-696, Revised Statutes Supplement, 2004; to change eligibility criteria for certain committees and boards; to eliminate certain references to freeholders; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Wehrbein
Byars	Flood	Landis	Price	
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 639.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1302 and 39-1311, Reissue Revised Statutes of Nebraska; to include proposed beltways on the corridor location map; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Synowiecki
Byars	Flood	Landis	Price	Wehrbein
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 640.

A BILL FOR AN ACT relating to abstracters; to amend section 76-547, Reissue Revised Statutes of Nebraska; to change registration requirements as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Synowiecki
Byars	Flood	Landis	Price	Wehrbein
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 676. With Emergency.

A BILL FOR AN ACT relating to real property; to amend section 76-2221, Reissue Revised Statutes of Nebraska; to exempt certain persons from the Real Estate Appraiser Act; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	McDonald	Schimek
Baker	Cornett	Hudkins	Mines	Schrock
Beutler	Cudaback	Jensen	Pahls	Smith
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Brown	Fischer	Kruse	Preister	Synowiecki
Byars	Flood	Landis	Price	Wehrbein
Chambers	Foley	Langemeier	Raikes	
Combs	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 6:

Burling	Heidemann	Johnson
Engel	Janssen	Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 754.

A BILL FOR AN ACT relating to the Commission on Judicial Qualifications; to amend section 24-719, Reissue Revised Statutes of Nebraska, and section 24-721, Revised Statutes Supplement, 2004; to require an annual report; to change provisions relating to judicial reprimands; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Louden	Redfield
Baker	Cornett	Howard	McDonald	Schimek
Beutler	Cudaback	Hudkins	Mines	Schrock
Bourne	Cunningham	Jensen	Pahls	Smith
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brown	Fischer	Kremer	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Chambers	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Burling	Engel	Janssen	Johnson	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 762.

A BILL FOR AN ACT relating to county government; to amend section 77-1501, Reissue Revised Statutes of Nebraska, and section 23-1302, Revised Statutes Supplement, 2004; to provide for appointments by the county clerk as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Louden	Redfield
Baker	Cornett	Howard	McDonald	Schimek
Beutler	Cudaback	Hudkins	Mines	Schrock
Bourne	Cunningham	Jensen	Pahls	Smith
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brown	Fischer	Kremer	Pederson, D.	Stuthman
Byars	Flood	Kruse	Preister	Synowiecki
Chambers	Foley	Landis	Price	Wehrbein
Combs	Friend	Langemeier	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Burling	Engel	Janssen	Johnson	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 291, 306, 306A, 319, 320, 331, 342, 380, 396, 402, 406, 450, 451, 453, 471, 475, 476, 501, 525, 528, 534, 544, 626, 639, 640, 676, 754, and 762.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 268:
AM0860

1 1. Insert the following new section:
2 "Sec. 3. Section 35-1320, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 35-1320. (1) Any city, village, or rural or suburban
5 fire protection district conducting a service award benefit program
6 shall, within thirty days after the adoption of a program, provide
7 all volunteers providing its local political subdivision with
8 emergency response services with a summary of the program's
9 provisions, including the program's provisions relating to
10 participation and the applicable standard criteria for qualified
11 active service, the manner in which nonforfeitable interests in
12 annual accounts are obtained, the amount of all contributions to
13 the annual account, and any other information relating to
14 participation in the program. The city, village, or rural or
15 suburban fire protection district shall provide copies of the
16 summary to all new volunteer members and to any applicant for

17 membership to the volunteer department.

18 (2) Any summary of a program's provisions provided
 19 pursuant to this section shall include the following statement and
 20 such additional explanation as is deemed appropriate by the
 21 sponsoring city, village, or rural or suburban fire protection
 22 district: Due to definitive interpretations of the relevant
 23 provisions of the Internal Revenue Code, in order to insure that
 24 funds deposited on behalf of a participant are not taxable to the
 1 participant in that or any subsequent year in which they are
 2 nonforfeitable, any funds held by a city, village, or rural or
 3 suburban fire protection district on behalf of qualifying program
 4 participants will be subject to the claims of creditors of the
 5 city, village, or rural or suburban fire protection district
 6 conducting the program in the event of the insolvency or bankruptcy
 7 of that city, village, or district.

8 (3) Any material modification to the program shall be
 9 provided in writing to all participants within thirty days after
 10 its adoption by the city, village, or rural or suburban fire
 11 protection district.

12 (4) No later than December 1 of each year following the
 13 end of the first full year of service after the adoption of a
 14 service award benefit program, the city, village, or rural or
 15 suburban fire protection district shall provide to each participant
 16 listed in the certification list for that year of service a summary
 17 and copy of the relevant documents relating to the contributions to
 18 the annual account for such year of service. By December 1 of each
 19 subsequent year, the city, village, or rural or suburban fire
 20 protection district shall provide each participant who appears for
 21 the first time in the certification list for the immediately
 22 preceding year of service with the same information.

23 (5) All documents relating to any program, the
 24 certification lists, the annual accounts, the investment of the
 25 funds of the annual accounts, the contributions to the account and
 26 the income derived therefrom, and the identity of the administrator
 27 of the annual accounts shall be public records within the meaning
 1 of section 84-712.01."

2 2. On page 7, line 1, after the second comma insert
 3 "35-1320,".

4 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 516:
 AM0874

1 1. On page 2, line 11, strike beginning with the first
 2 "for" through "or".

RESOLUTION

LEGISLATIVE RESOLUTION 62. Introduced by Stuhr, 24.

WHEREAS, the Concordia Bulldogs were runner-up in the NAIA Division II Men's Basketball Tournament; and

WHEREAS, the Concordia Bulldogs compiled a season record of thirty-two wins and six losses; and

WHEREAS, thirty-two wins is a school record; and

WHEREAS, the Concordia Bulldogs' trip to the NAIA Division II Men's Basketball championship game represented the Bulldogs eighth national tournament appearance and first trip to the championship game; and

WHEREAS, throughout the year the Concordia Bulldogs have complemented their talents with characteristics of sportsmanship, determination, teamwork, and diligence; and

WHEREAS, such a team achievement is made possible not only by individual members' performance and coaching guidance, but also through the support of professors, administrators, parents, and fans.

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

1. That the Legislature recognizes and congratulates players Garrett Rathke, Scott Beck, Steve Carretto, Alex Michel, Eric Brown, Wes Gehring, Thad Sankey, Jon Ziegler, David Anderson, Jason Jisa, Benjamin Buhr, Marcus Wernke, and Reggie Corbin and coaches Grant Schmidt and Marty Kohlwey for their achievement.

2. That a copy of this resolution be sent to Grant Schmidt, head coach of the Concordia men's basketball team, and Brian L. Friedrich, President of Concordia University.

Laid over.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 739. The first Standing Committee amendment, FA109, found on page 909, was renewed.

The Chambers pending amendment, FA108, found on page 909, to the first Standing Committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Beutler	Conneally	Howard	Louden	Schimek
Chambers	Cudaback	Landis	Preister	Synowiecki

Voting in the negative, 23:

Baker	Erdman	Hudkins	Mines	Stuhr
Brashear	Fischer	Jensen	Pedersen, Dw.	Stuthman
Burling	Flood	Kopplin	Raikes	Wehrbein
Byars	Friend	Kremer	Schrock	
Cunningham	Heidemann	Langemeier	Smith	

Present and not voting, 11:

Aguilar	Combs	Kruse	Price
Bourne	Cornett	McDonald	Redfield
Brown	Johnson	Pahls	

Excused and not voting, 5:

Engel	Foley	Janssen	Pederson, D.	Thompson
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The Chambers amendment lost with 10 ayes, 23 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA113, found on page 910, to the first Standing Committee amendment.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 121. Placed on Select File as amended.

E & R amendment to LB 121:

AM7066

- 1 1. On page 1, line 1, strike "permits and licenses" and
- 2 insert "the Game Law"; and in line 4 strike "licenses" and insert
- 3 "permits".

LEGISLATIVE BILL 234. Placed on Select File as amended.

E & R amendment to LB 234:

AM7063

- 1 1. In the Standing Committee amendments, AM0134, on page
- 2 2, line 6 strike "sections" and insert "section".

LEGISLATIVE BILL 516. Placed on Select File.

LEGISLATIVE BILL 485. Placed on Select File.

LEGISLATIVE BILL 492. Placed on Select File as amended.

E & R amendment to LB 492:

AM7064

- 1 1. On page 1, line 4, strike "and provide"; and in line

2 5 after the first semicolon insert "to provide for designation of
 3 grain in storage and liens as prescribed; to require written notice
 4 of certain proceedings;".
 5 2. On page 3, line 10, strike "section 2 of this act"
 6 and insert "this section".

LEGISLATIVE BILL 39. Placed on Select File.
LEGISLATIVE BILL 352. Placed on Select File.
LEGISLATIVE BILL 299. Placed on Select File.
LEGISLATIVE BILL 144. Placed on Select File.
LEGISLATIVE BILL 684. Placed on Select File.
LEGISLATIVE BILL 684A. Placed on Select File.
LEGISLATIVE BILL 668. Placed on Select File.

LEGISLATIVE BILL 131. Placed on Select File as amended.
 E & R amendment to LB 131:
 AM7065

1 1. On page 1, strike beginning with the semicolon in
 2 line 2 through line 3 and insert ", and sections 81-2,239 and
 3 81-2,240, Revised Statutes Supplement, 2004; to define and redefine
 4 terms; to harmonize provisions; and to repeal the original
 5 sections."

(Signed) Michael Flood, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 22, 2005, at 10:45 a.m. were the following: LBs 291, 306, 306Ae, 319e, 320, 331, 342, 380, 396, 402, 406e, 450, 451, 453, 471, 475, 476, 501, 525, 528, 534, 544, 626, 639, 640, 676e, 754, and 762.

(Signed) Jamie Kruse
 Clerk of the Legislature's Office

BILL ON FIRST READING

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

LEGISLATIVE BILL 690A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, Ninety-ninth Legislature, First Session, 2005.

AMENDMENT - Print in Journal

Senators Beutler and Kremer filed the following amendment to LB 150:
 AM0817

- 1 1. On page 2, strike beginning with "Nebraska" in line
 2 18 through "(7)" in line 22.
- 3 2. On page 3, line 1, strike "(8)" and insert "(7)"; and
 4 after line 7 insert
 5 "(8) Qualified entity means a beef promotion entity
 6 organized and operating within Nebraska formed exclusively for the
 7 purpose of conducting beef promotion, research, and consumer and
 8 industry information to strengthen the beef industry's position in
 9 the marketplace and to maintain, develop, and expand markets for
 10 beef and beef products and is designated by the director pursuant
 11 to section 5 of this act;"
- 12 3. On page 6, strike beginning with "The" in line 11
 13 through line 20 and insert "The director may designate and contract
 14 with a qualified entity to develop, implement, and direct the beef
 15 industry development program authorized by, and consistent with,
 16 the purposes of the Nebraska Beef Industry Development Act. The
 17 contract shall be for a term of five years. Any contract entered
 18 into with a qualified entity for such purposes shall provide for
 19 the faithful performance of the director's duties under sections 4
 20 and 7 to 11 of this act and shall provide that the qualified entity
 21 shall:"
- 22 4. On page 7, line 3, strike "9" and insert "11"; in
 23 line 5 strike "a" and insert "an independent"; in line 16 strike
 24 "and"; and in line 17 after "(7)" insert "Include in its bylaws
 1 provisions which are substantially equivalent to the Open Meetings
 2 Act as determined and approved by the director;
 3 (8) Cooperate with the director in submitting to
 4 performance audits of the beef development program authorized by
 5 the act conducted by the state; and
 6 (9)".
- 7 5. On page 11, lines 23 and 24, strike "Nebraska beef
 8 council" and insert "qualified entity".
- 9 6. On page 12, lines 9 and 14, strike "Nebraska beef
 10 council" and insert "qualified entity"; in line 16 strike "shall
 11 cooperate" and insert "may only carry out any research activities
 12 or programs consistent with the purposes of the act in
 13 cooperation"; and strike beginning with the last comma in line 19
 14 through "act" in line 20.

VISITORS

Visitors to the Chamber were Dr. Donald Palmisano from New Orleans, Louisiana, Ken Powers from Chicago, Illinois, Krynn Buckley and Carole Bates from Lincoln; Kristina Mueller and Dr. Ron Klutman from Columbus, and Candace Huebert from Lincoln; 5 sixth-grade students and teacher from St. Paul's School, Utica; 50 fourth-grade students and teachers from York; Tim Kolb from Franklin; 94 fourth-grade students and teacher from Gomez Heritage School, Omaha; and Rich, Linda, Brittany, and Ashton Hovenidick from Beatrice and Jacques, Thea, and Aster Brouwer from Holland.

RECESS

At 11:59 a.m., on a motion by Senator Hudkins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Kopplin who was excused; and Senators Combs, Engel, Heidemann, Kremer, Preister, and Thompson who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 63. Introduced by Cudaback, 36.

WHEREAS, the Ravenna High School boys' basketball team won the Class C-2 Boys' State High School Basketball Championship with a victory over Wakefield; and

WHEREAS, the Bluejays had twenty-seven wins and no losses for a perfect 2004-05 season; and

WHEREAS, the team is also active in the Ravenna community by helping out with the "Meals on Wheels" program at the senior center; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Ravenna High School boys' basketball team be congratulated for their exemplary effort this season and in the Boys' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Paul Beranek and Ravenna High School.

Laid over.

LEGISLATIVE RESOLUTION 64. Introduced by Cudaback, 36.

WHEREAS, the Pleasanton High School boys' basketball team won the Class D-1 Boys' State High School Basketball Championship with a seventy to forty-eight win over Humphrey St. Francis; and

WHEREAS, the team won twenty-three of twenty-six games played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Pleasanton High School boys' basketball team be congratulated for winning the state basketball tournament.

2. That a copy of this resolution be sent to Coach Randy Bauer and Pleasanton High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 739. The Chambers pending amendment, FA113, found on page 910 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

Senator Chambers withdrew his amendment.

Senator Chambers renewed his pending amendment, FA114, found on page 910, to the first Standing Committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Aguilar	Landis	Pedersen, Dw.	Preister	Synowiecki
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Voting in the negative, 9:

Cunningham	Friend	Hudkins	Redfield	Wehrbein
Foley	Howard	Louden	Schimek	

Present and not voting, 30:

Baker	Byars	Fischer	Kruse	Raikes
Beutler	Chambers	Flood	Langemeier	Schrock
Bourne	Connealy	Heidemann	McDonald	Smith
Brashear	Cornett	Janssen	Pahls	Stuhr
Brown	Cudaback	Jensen	Pederson, D.	Stuthman
Burling	Erdman	Johnson	Price	Thompson

Excused and not voting, 5:

Combs	Engel	Kopplin	Kremer	Mines
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The Chambers amendment lost with 5 ayes, 9 nays, 30 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote on FA114.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 4:

Aguilar	Chambers	Preister	Synowiecki
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Voting in the negative, 27:

Baker	Engel	Heidemann	Langemeier	Stuhr
Bourne	Erdman	Howard	Louden	Thompson
Brown	Fischer	Hudkins	McDonald	Wehrbein
Byars	Flood	Janssen	Mines	
Connealy	Foley	Kremer	Redfield	
Cunningham	Friend	Kruse	Smith	

Present and not voting, 13:

Beutler	Cornett	Johnson	Raikes	Stuthman
Brashear	Cudaback	Pederson, D.	Schimek	
Burling	Jensen	Price	Schrock	

Excused and not voting, 5:

Combs	Kopplin	Landis	Pahls	Pedersen, Dw.
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The Chambers motion to reconsider failed with 4 ayes, 27 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 601. Placed on General File as amended.
Standing Committee amendment to LB 601:
AM0454

1 1. Strike the original sections and insert the following

2 sections:

- 3 "Section 1. Section 13-2001, Revised Statutes
 4 Supplement, 2004, is amended to read:
 5 13-2001. Sections 13-2001 to 13-2043 and section 2 of
 6 this act shall be known and may be cited as the Integrated Solid
 7 Waste Management Act.
 8 Sec. 2. (1) For purposes of this section, elected
 9 official means a mayor or a member of a city council, village board
 10 of trustees, or county board.
 11 (2) Beginning January 1, 2007, a joint entity or joint
 12 public agency created pursuant to the Interlocal Cooperation Act or
 13 the Joint Public Agency Act that provides services under the
 14 Integrated Solid Waste Management Act shall not place a lien on
 15 property for nonpayment of debt unless the agreement creating the
 16 joint entity or joint public agency provides or is modified to
 17 provide for a governing board that consists of elected officials.
 18 Sec. 3. Original section 13-2001, Revised Statutes
 19 Supplement, 2004, is repealed.".

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 478. Placed on General File as amended.
 Standing Committee amendment to LB 478:
 AM0863

- 1 1. On page 8, strike lines 13 through 22 and insert "the
 2 amount of income received as a military retirement benefit
 3 resulting from service in the armed forces of the United States
 4 equal to one-half the amount of income earned as wages and salaries
 5 paid in Nebraska by an employer performing security classified work
 6 for the federal Department of Defense and qualified under 32 C.F.R.
 7 155.1 through 155.6, to the extent that such wages and salaries
 8 exceed forty thousand dollars during the tax year. In order to
 9 receive the exclusion provided in this subsection, the taxpayer
 10 shall submit a certification that the employer has received
 11 authorization to perform classified work for the federal Department
 12 of Defense that is signed by the employer's facility security
 13 officer.".

(Signed) David Landis, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 351:
 AM0885

(Amendments to Standing Committee amendments, AM0794)

- 1 1. Insert the following new amendment:
 2 "1. On page 3, line 6, strike 'eighteen' and insert

3 'seventeen'."

4 2. On page 1, line 4, after the semicolon insert "in

5 line 16 strike 'or low-income persons;'."

6 3. Renumber the remaining amendment accordingly.

Senator Friend filed the following amendment to LB 361:
AM0903

(Amendments to Standing Committee amendments, AM0523)

1 1. On page 12, line 2, after "cause" insert " a court

2 order, or voluntary consent as described in subsection (2) of this

3 section".

Senator Brown filed the following amendment to LB 242:
AM0840

(Amendments to Final Reading copy)

1 1. Strike original section 42 and insert the following

2 new section:

3 "Sec. 42. Section 49-1499.03, Reissue Revised Statutes

4 of Nebraska, is amended to read:

5 49-1499.03. (1)(a) An official of a political

6 subdivision designated in section 49-1493 ~~and a member of any~~

7 ~~school board~~ who would be required to take any action or make any

8 decision in the discharge of his or her official duties that may

9 cause financial benefit or detriment to him or her, a member of his

10 or her immediate family, or a business with which he or she is

11 associated, which is distinguishable from the effects of such

12 action on the public generally or a broad segment of the public,

13 shall take the following actions as soon as he or she is aware of

14 such potential conflict or should reasonably be aware of such

15 potential conflict, whichever is sooner:

16 ~~(a)~~ (i) Prepare a written statement describing the matter

17 requiring action or decision and the nature of the potential

18 conflict; and

19 ~~(b)~~ (ii) Deliver a copy of the statement to the

20 commission and to the person in charge of keeping records for the

21 political subdivision who shall enter the statement onto the public

22 records of the subdivision.

23 (b) The official shall take such action as the commission

1 shall advise or prescribe to remove himself or herself from

2 influence over the action or decision on the matter.

3 ~~(2) This section~~ (c) This subsection does not prevent

4 such a person from making or participating in the making of a

5 governmental decision to the extent that the individual's

6 participation is legally required for the action or decision to be

7 made. A person acting pursuant to this ~~subsection~~ subdivision

8 shall report the occurrence to the commission.

9 (2)(a) Any person holding an elective office of a city or

10 village not designated in section 49-1493 and any person holding an

11 elective office of a school district who would be required to take

12 any action or make any decision in the discharge of his or her
 13 official duties that may cause financial benefit or detriment to
 14 him or her, a member of his or her immediate family, or a business
 15 with which he or she is associated, which is distinguishable from
 16 the effects of such action on the public generally or a broad
 17 segment of the public, shall take the following actions as soon as
 18 he or she is aware of such potential conflict or should reasonably
 19 be aware of such potential conflict, whichever is sooner:
 20 (i) Prepare a written statement describing the matter
 21 requiring action or decision and the nature of the potential
 22 conflict;
 23 (ii) Deliver a copy of the statement to the person in
 24 charge of keeping records for the city, village, or school district
 25 who shall enter the statement onto the public records of the city,
 26 village, or school district; and
 27 (iii) Abstain from participating or voting on the matter
 1 in which the person holding elective office has a conflict of
 2 interest.
 3 (b) The person holding elective office may apply to the
 4 commission for an opinion as to whether the person has a conflict
 5 of interest.
 6 (3) ~~Either sections 49-14,102 and 49-14,103 or sections~~
 7 ~~49-14,103.01 to 49-14,103.06 apply to interests in contracts by~~
 8 ~~officials of a political subdivision~~ Matters involving an interest
 9 in a contract are governed either by sections 49-14,102 and
 10 49-14,103 or by sections 49-14,103.01 to 49-14,103.06. Matters
 11 involving the hiring of an immediate family member are governed by
 12 section 49-1499.01 or 49-1499.04."

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 291, 306, 306Ae, 319e, 320, 331, 342, 380, 396, 402, 406e, 450, 451, 453, 471, 475, 476, 501, 525, 528, 534, 544, 626, 639, 640, 676e, 754, and 762.

(Signed) L. Patrick Engel

AMENDMENT - Print in Journal

Senator Baker filed the following amendment to LB 82:
 AM0902

(Amendments to Standing Committee amendments, AM0666)

- 1 1. Insert the following new sections:
- 2 2. "Sec. 3. Section 60-6,297, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,297. The provisions of subdivision (1)(b) of
- 5 section 60-6,290 and subsections (2) and (3) of section 60-6,294
- 6 shall not apply when a disabled combination of vehicles is towed if
- 7 the combination of vehicles, together with the wrecker or tow

8 truck, does not exceed one hundred ~~thirty~~ fifty feet, inclusive of
 9 front and rear bumpers including load. Such exception shall apply
 10 only if the disabled combination of vehicles is being towed
 11 directly to the nearest place of secure safekeeping. The towing
 12 vehicle shall be connected with the air brakes and brake lights of
 13 the towed vehicle. For purposes of this section, place of secure
 14 safekeeping means a place off the traveled portion of the highway
 15 that can accommodate the parking of such vehicles in order for the
 16 vehicles to be (1) repaired or (2) dismantled and operated in
 17 compliance with subdivision (1)(b) of section 60-6,290 and
 18 subsections (2) and (3) of section 60-6,294.

19 Sec. 5. Section 60-2404, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 60-2404. A motor vehicle towed away under sections
 22 60-2401 to 60-2411, which is not claimed by the owner within ~~one~~
 23 ~~hundred eighty~~ ninety days after towing, is subject to ~~liens~~ lien
 1 and disposition under Chapter 52, article 6, by the person who
 2 towed the vehicle, under Chapter 52, article 6.

3 Sec. 6. Section 60-2410, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 60-2410. (1) The owner or other person lawfully entitled
 6 to the possession of any vehicle towed or stored shall be charged
 7 with the reasonable cost of towing and storage fees. Any such
 8 towing or storage fee shall be a lien upon the vehicle under
 9 Chapter 52, article 6, and, except as provided in subsection (3) of
 10 this section, shall be prior to all other claims. Any person
 11 towing or storing a vehicle shall be entitled to may retain
 12 possession of such vehicle until such charges are paid or, after
 13 ninety days, may dispose of such vehicle to satisfy the lien. The
 14 lien provided for in this section shall not apply to the contents
 15 of any vehicle.

16 (2) The person towing the motor vehicle shall, within
 17 thirty days after towing, notify any lienholder appearing on the
 18 certificate of title of the motor vehicle and the owner of the
 19 motor vehicle of the towing of the motor vehicle. The notice shall
 20 be sent by certified mail, return receipt requested, to the
 21 last-known address of the lienholder and owner of the motor
 22 vehicle. The notice shall contain:

23 (a) The make, model, color, year, and vehicle
 24 identification number of the motor vehicle;

25 (b) The name, address, and telephone number of the person
 26 who towed the motor vehicle;

27 (c) The date of towing;

1 (d) The daily storage fee and the storage fee accrued as
 2 of the date of the notification; and

3 (e) A statement that the motor vehicle is subject to lien
 4 and disposition under Chapter 52, article 6.

5 (3) Failure to provide notice as prescribed in subsection
 6 (2) of this section shall result in the lien of the person who

7 towed the motor vehicle being subordinate to the lien of the
 8 lienholder appearing on the certificate of title and render void
 9 any disposition of the motor vehicle by the person who towed the
 10 motor vehicle."

11 2. On page 13, line 14, strike "and" and insert

12 "60-6,297,"; and in line 15 after "60-6,298," insert "60-2404, and
 13 60-2410,".

14 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 739. Senator Chambers renewed his pending amendment, FA115, found on page 910, to the first Standing Committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 739:
 AM0890

(Amendments to Standing Committee amendments, AM0747, FA109)

- 1 1. On page 26, line 27, strike "or any September 30".
- 2 2. On page 27, line 1, strike "thereafter".

Senator Beutler filed the following amendment to LB 739:
 AM0888

(Amendments to Standing Committee amendments, AM0747, FA109)

- 1 1. On page 26, line 23, strike "ten dollars" and insert
- 2 "three and four-tenths percent".

Senator Beutler filed the following amendment to LB 739:
 AM0891

(Amendments to Standing Committee amendments, AM0747, FA111)

- 1 1. On page 10, line 16, strike "2007, 2008, or 2009" and
- 2 insert "or any September 30 thereafter".

Senator Chambers filed the following amendment to LB 739:
 FA117

Amend AM0747

On page 26, line 19 strike and show as stricken "down" and insert "up".

Senator Brown filed the following amendment to LB 361:
 AM0838

(Amendments to Standing Committee amendments, AM0523)

- 1 1. Strike sections 25 and 26 and insert the following
- 2 new sections:
- 3 "Sec. 25. Section 20-325, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

5 20-325. The commission shall:

6 (1) Make studies with respect to the nature and extent of
7 discriminatory housing practices in representative urban, suburban,
8 and rural communities throughout the state;

9 (2) Publish and disseminate reports, recommendations, and
10 information derived from such studies, including an annual report
11 to the Legislature:

12 (a) Specifying the nature and extent of progress made
13 statewide in eliminating discriminatory housing practices and
14 furthering the purposes of the Nebraska Fair Housing Act, obstacles
15 remaining to achieving equal housing opportunity, and

16 recommendations for further legislative or executive action; and
17 (b) Containing tabulations of the number of instances and
18 the reasons therefor in the preceding year in which:

19 (i) Investigations have not been completed as required by
20 subdivision (1)(b) of section 20-326;

21 (ii) Determinations have not been made within the time
22 specified in section 20-333; and

23 (iii) Hearings have not been commenced or findings and
1 conclusions have not been made as required by section 20-337;

2 (3) Cooperate with and render technical assistance to
3 state, local, and other public or private agencies, organizations,
4 and institutions which are formulating or carrying on programs to
5 prevent or eliminate discriminatory housing practices; ~~and~~

6 (4) Annually report to the Legislature and make available
7 to the public data on the age, race, color, religion, national
8 origin, handicap, familial status, and sex of persons and
9 households who are applicants for, participants in, or
10 beneficiaries or potential beneficiaries of programs administered
11 by the commission. In order to develop the data to be included and
12 made available to the public under this subdivision, the commission
13 shall, without regard to any other provision of law, collect such
14 information relating to those characteristics as the commission
15 determines to be necessary or appropriate;

16 (5) Adopt and promulgate rules and regulations, subject
17 to the approval of the commissioners, regarding the investigative
18 and conciliation process that provide for testing standards,
19 fundamental due process, and notice to the parties of their rights
20 and responsibilities; and

21 (6) Have authority to enter into agreements with the
22 United States Department of Housing and Urban Development in
23 cooperative agreements under the Fair Housing Assistance Program.
24 The commission shall further have the authority to enter into
25 agreements with testing organizations to assist in investigative
26 activities. The commission shall not enter into any agreements
27 under which compensation to the testing organization is partially
1 or wholly based on the number of conciliations, settlements, and
2 reasonable cause determinations.

3 Sec. 26. Section 20-326, Revised Statutes Supplement,

4 2004, is amended to read:

5 20-326. (1)(a)(i) An aggrieved person may, not later
6 than one year after an alleged discriminatory housing practice has
7 occurred or terminated, file a complaint with the commission
8 alleging such discriminatory housing practice. The commission, on
9 its own initiative, may also file such a complaint.

10 (ii) The complaint shall be in writing and shall contain
11 such information and be in such form as the commission requires.

12 (iii) The commission may also investigate housing
13 practices to determine whether a complaint should be brought under
14 this section.

15 (b) Upon the filing of a complaint:

16 (i) The commission shall serve notice upon the aggrieved
17 person acknowledging such filing and advising the aggrieved person
18 of the time limits and choice of forums provided under the Nebraska
19 Fair Housing Act;

20 (ii) The commission shall, not later than ten days after
21 such filing or the identification of an additional respondent under
22 subsection (2) of this section, serve on the respondent a notice
23 identifying the alleged discriminatory housing practice; and
24 advising such respondent of the procedural rights and obligations
25 of respondents under the act, ~~and informing the respondent of the~~
26 ~~right at any time, upon request, to obtain information derived from~~
27 ~~an investigation and any investigative report relating to that~~
1 ~~investigation as provided in subsections (2) and (3) of section~~
2 ~~20-330, together with a copy of the original complaint;~~

3 (iii) Each respondent may file, not later than ten days
4 after receipt of notice from the commission, an answer to the
5 complaint; and

6 (iv) Unless it is impracticable to do so, the commission
7 shall investigate the alleged discriminatory housing practice and
8 complete such investigation within one hundred days after the
9 filing of the complaint or, when the commission takes further
10 action under section 20-332 with respect to a complaint, within one
11 hundred days after the commencement of such further action.

12 (c) If the commission is unable to complete the
13 investigation within one hundred days after the filing of the
14 complaint or after the commencement of such further action, the
15 commission shall notify the complainant and respondent in writing
16 of the reasons for not doing so.

17 (d) Complaints and answers shall be under oath and may be
18 reasonably and fairly amended at any time.

19 (2)(a) A person who is not named as a respondent in a
20 complaint but who is identified as a respondent in the course of
21 investigation may be joined as an additional or substitute
22 respondent upon written notice under subdivision (1)(b)(ii) of this
23 section to such person from the commission.

24 (b) The notice shall explain the basis for the
25 commission's belief that the person to whom the notice is addressed

26 is properly joined as a respondent.

27 Sec. 27. Section 20-327, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 20-327. (1) During the period beginning with the filing
3 of the complaint and ending with the issuance of a charge or a
4 dismissal by the commission, the commission shall, to the extent
5 feasible, engage in conciliation with respect to the complaint.

6 (2) A conciliation agreement shall be an agreement
7 between the complainant and the respondent and shall be subject to
8 the approval of the commissioners, which approval may not be
9 delegated.

10 (3) A conciliation agreement arising out of such
11 conciliation shall be an agreement between the respondent and the
12 complainant and shall be subject to approval by the commission.

13 ~~(3)~~ (4) A conciliation agreement may provide for binding
14 arbitration of the dispute arising from the complaint. Any such
15 arbitration that results from a conciliation agreement may award
16 appropriate relief, including monetary relief.

17 ~~(4)~~ (5) Each conciliation agreement shall be made public
18 unless the complainant and respondent otherwise agree and the
19 commission determines that disclosure is not required to further
20 the purposes of the Nebraska Fair Housing Act.

21 ~~(5)~~ (6) A conciliation agreement between a respondent and
22 complainant which has been approved by the commission shall not be
23 deemed an adjudication that the respondent has committed a
24 discriminatory housing practice nor shall the conciliation
25 agreement be the subject of an order for relief under section
26 20-337, unless the conciliation agreement is entered after an
27 adjudication pursuant to an administrative proceeding or a civil
1 action pursuant to state or federal law in which the respondent was
2 found to have committed a discriminatory housing practice.

3 Sec. 28. Section 20-330, Revised Statutes Supplement,
4 2004, is amended to read:

5 20-330. (1) Except as provided in subsection ~~(4)~~ (5) of
6 section 20-327, nothing said or done in the course of conciliation
7 may be made public or used as evidence in a subsequent proceeding
8 under the Nebraska Fair Housing Act without the written consent of
9 the persons concerned. All records compiled in the course of
10 conciliation activities shall be exempt from public release. The
11 commission may release any fully executed conciliation agreement.

12 ~~(2)~~ (2)(a) Notwithstanding subsection (1) of this
13 section, the commission shall make available to the aggrieved
14 person and the respondent, ~~at any time~~, upon request, following the
15 completion of an investigation, information derived from an
16 investigation and any final investigative report relating to that
17 investigation.

18 (b) The commission's release of information pursuant to
19 subdivision (2)(a) of this section is subject to the federal
20 Privacy Act of 1974, Public Law 93-579, as such act existed on

21 January 1, 2005, and any other state or federal laws limiting the
 22 release of confidential information obtained in the course of an
 23 investigation under the Nebraska Fair Housing Act.
 24 (3) Notwithstanding subsections (1) and (2) of this
 25 section, materials in the investigative file shall be disclosed to
 26 the complainant and respondent to the extent reasonably necessary
 27 to further the investigation or conciliation discussions.

1 ~~(3) Notwithstanding subsection (1) of this section, in~~
 2 ~~any case in which the complaint is filed by the commission and~~
 3 ~~there is no aggrieved person, or in which a complaint is filed and~~
 4 ~~the only aggrieved person is a tester or a testing organization,~~
 5 ~~the commission shall provide to the respondent at any time, upon~~
 6 ~~request, copies of all information derived from an investigation~~
 7 ~~and copies of any final investigative report relating to that~~
 8 ~~investigation. All personal identification information of testers~~
 9 ~~shall be removed from the copies provided. The commission may~~
 10 ~~charge a fee, not to exceed actual cost, for copies provided under~~
 11 ~~this subsection."~~

12 2. On page 37, line 14, after "sections" insert "20-325,
 13 20-327,".

14 3. Renumber the remaining sections accordingly.

Senator Flood filed the following amendment to LB 217:
 AM0895

(Amendments to E & R amendments, AM7057)

1 1. Strike beginning with page 3, line 20, through page
 2 4, line 25, and insert the following new subsections:
 3 "(3) No election shall be required prior to the issuance
 4 of bonds under the Public Facilities Construction and Finance Act
 5 unless, within sixty days after the first publication of the notice
 6 of intention to issue bonds, a remonstrance petition against the
 7 issuance of bonds is filed with the clerk or secretary of the
 8 qualified public agency. Such remonstrance petition shall be
 9 signed by registered voters of the qualified public agency equal in
 10 number to five percent or more of the number of registered voters
 11 of the qualified public agency at the time the remonstrance
 12 petition is filed. If a remonstrance petition with the necessary
 13 number of qualified signatures is timely filed, the question shall
 14 be submitted to the voters of the qualified public agency at a
 15 general election or a special election called for the purpose of
 16 approving the bonds proposed to be issued. Any joint project for
 17 which bonds are issued in accordance with the procedures of the act
 18 shall not require any other approval or proceeding by the governing
 19 body or the voters of the qualified public agency.
 20 (4) No election shall be required for any qualified
 21 public agency not issuing bonds to participate in such joint
 22 project unless, within sixty days after the governing body of the
 23 qualified public agency adopts the measure approving the interlocal
 1 or cooperative agreement related to the joint project, a

2 remonstrance petition is filed with the clerk or secretary of the
 3 qualified public agency. Such remonstrance petition shall be
 4 signed by registered voters of the qualified public agency equal in
 5 number to five percent or more of the number of registered voters
 6 of the qualified public agency at the time the remonstrance
 7 petition is filed. If a remonstrance petition with the necessary
 8 number of qualified signatures is timely filed, the question shall
 9 be submitted to the voters of the qualified public agency at a
 10 general election or a special election called for the purpose of
 11 approving the interlocal or cooperative agreement related to the
 12 joint project."
 13 2. On page 3, line 10, strike "once any time" and insert
 14 "twice"; and in line 11 after the period insert "Such publications
 15 shall be at least three weeks apart.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 673A. Introduced by Louden, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Ninety-ninth Legislature, First Session, 2005.

WITHDRAW - Cointroducer

Senator Erdman withdrew his name as cointroducer to LB 588.

VISITORS

Visitors to the Chamber were 51 fourth-grade students and teacher from Rockwell Elementary School, Omaha.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 3:57 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 2005.

Patrick J. O'Donnell
 Clerk of the Legislature