

FIFTY-FIRST DAY - MARCH 29, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 29, 2005

PRAYER

The prayer was offered by Senator Baker.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Brashear who was excused; and Senators Brown, Combs, Erdman, Heidemann, Jensen, Langemeier, Mines, Dw. Pedersen, D. Pederson, Price, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

**STANDING COMMITTEE REPORTS
Revenue**

LEGISLATIVE BILL 19. Placed on General File.

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendment to LB 542:
AM0932

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. The Legislature finds that there are
4 significant issues relating to tax policy that need to be reviewed
5 periodically. The Legislature also finds that a law to create a
6 tax policy review commission to study Nebraska's tax structure,
7 review implications for the future, ensure the retention of
8 institutional knowledge about Nebraska's tax policy, and provide
9 recommendations for sound tax policy for the future is essential to
10 the long-term growth of our economy and the survival of our public
11 institutions. To address this subject, the Legislature shall

12 appoint the Tax Policy Review Commission as provided in section 2
13 of this act.

14 Sec. 2. The Tax Policy Review Commission is created.

15 The commission shall have fifteen members appointed by the

16 Executive Board of the Legislative Council as follows:

17 (1) Eight members of the Legislature, at least six of
18 whom will not be term-limited out of the Legislature in January
19 2007;

20 (2) One representative of the education community
21 appointed from a list of names submitted by the Education Committee
22 of the Legislature;

23 (3) One representative of production agriculture
24 appointed from a list of names submitted by the Agriculture
25 Committee of the Legislature;

26 (4) One representative of industry and manufacturing
27 appointed from a list of names submitted by the Business and Labor
28 Committee of the Legislature;

29 (5) One representative of the financial sector appointed
30 from a list of names submitted by the Banking, Commerce and
31 Insurance Committee of the Legislature;

32 (6) One representative of the telecommunications sector
33 appointed from a list of names submitted by the Transportation and
34 Telecommunications Committee of the Legislature; and

35 (7) One representative of city government and one
36 representative of county government appointed from two lists of
37 names submitted by the Government, Military and Veterans Affairs
38 Committee of the Legislature.

39 Sec. 3. The Tax Policy Review Commission shall elect a
40 chairperson from among its members. The commission shall meet
41 quarterly or more often if the chairperson determines additional
42 meetings are necessary to accomplish the objectives established in
43 this act giving consideration to the funds appropriated. Members
44 shall be reimbursed for their actual and necessary expenses as
45 provided in sections 81-1174 to 81-1176.

46 Sec. 4. The Tax Policy Review Commission shall:

47 (1) Evaluate current Nebraska tax policies and how they
48 relate to generally recognized tax policies of adequacy, equity,
49 economic competitiveness, simplicity, and accountability and
50 recommend improvements;

51 (2) Examine household tax burdens and business tax
52 burdens as compared to the United States as a whole and nearby
53 states and recommend improvements;

54 (3) Examine nominal tax rates as compared to the United
55 States as a whole and nearby states and recommend improvements;

56 (4) Evaluate current business tax incentive programs and
57 recommend improvements;

58 (5) Examine the impact of changes in the fundamentals of
59 the Nebraska economy on the revenue adequacy and stability for the
60 state and recommend improvements;

- 10 (6) Examine demographic changes taking place in our
 11 state, anticipate the effects such changes have on the revenue
 12 adequacy and stability for the state in the future, and recommend
 13 improvements; and
- 14 (7) Issue a report to the Executive Board of the
 15 Legislative Council and the Revenue Committee of the Legislature by
 16 November 15, 2006, containing any recommendations for legislation
 17 to reform tax policy and, if appropriate, draft legislative
 18 proposals.
- 19 Sec. 5. The Tax Policy Review Commission may hold
 20 hearings throughout the state for the purpose of receiving input
 21 from the public on the issues identified in section 4 of this act.
- 22 Sec. 6. (1) Employees of the Department of Revenue, the
 23 Department of Property Assessment and Taxation, and the Legislative
 24 Council shall be available to the Tax Policy Review Commission to
 25 assist it in carrying out its work. The commission may contract
 26 with a meeting facilitator and with experts from any institution of
 27 postsecondary education in the state to provide assistance,
 1 specific research, research or policy reports, or presentations to
 2 carry out the purposes of section 4 of this act, within the
 3 constraints of the appropriation provided.
- 4 (2) Funding for the commission shall be appropriated to
 5 the Legislative Council and shall not exceed one hundred thousand
 6 dollars.
- 7 Sec. 7. This act terminates on December 31, 2006.
- 8 Sec. 8. Since an emergency exists, this act takes effect
 9 when passed and approved according to law."

LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 147. Indefinitely postponed.
LEGISLATIVE BILL 313. Indefinitely postponed.
LEGISLATIVE BILL 404. Indefinitely postponed.
LEGISLATIVE BILL 472. Indefinitely postponed.
LEGISLATIVE BILL 482. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.
LEGISLATIVE BILL 615. Indefinitely postponed.
LEGISLATIVE BILL 672. Indefinitely postponed.
LEGISLATIVE BILL 723. Indefinitely postponed.
LEGISLATIVE BILL 763. Indefinitely postponed.

(Signed) David Landis, Chairperson

MESSAGES FROM THE GOVERNOR

March 25, 2005

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018

Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 9, 55e, 78, 97, 105, 115, 122, 201e, 241, 247, and 259e were received in my office on March 21, 2005.

These bills were signed by me and delivered to the Secretary of State on March 25, 2005.

Sincerely,
(Signed) Dave Heineman
Governor

March 28, 2005

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 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 were received in my office on March 22, 2005.

These bills were signed by me and delivered to the Secretary of State on March 28, 2005.

Sincerely,
(Signed) Dave Heineman
Governor

March 24, 2005

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

Dear Mr. President, Speaker Brashear and Senators:

Please withdraw the following name from confirmation to the Nebraska State Fair Board due to his resignation.

Stephen J. McCollister
11815 Oakair Plaza
Omaha, NE 68137

Thank you.

Sincerely,
 (Signed) Dave Heineman
 Governor

web/

Enclosure

MOTIONS - Approve Appointments

Senator Cunningham moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 987:

Commission of Industrial Relations
 David J. Cullan

Voting in the affirmative, 26:

Aguilar	Cudaback	Howard	Kruse	Schrock
Baker	Cunningham	Hudkins	Louden	Stuthman
Burling	Engel	Janssen	Pahls	
Byars	Fischer	Johnson	Raikes	
Connealy	Flood	Kopplin	Redfield	
Cornett	Friend	Kremer	Schimek	

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Chambers	McDonald	Smith	Thompson
Bourne	Landis	Preister	Stuhr	Wehrbein

Excused and not voting, 13:

Brashear	Erdman	Jensen	Pedersen, Dw.	Synowiecki
Brown	Foley	Langemeier	Pederson, D.	
Combs	Heidemann	Mines	Price	

The appointment was confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Senator Cunningham moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 987:

Boiler Safety Code Advisory Board
 Kenneth Stewart

Voting in the affirmative, 28:

Aguilar	Cornett	Friend	Kremer	Schrock
Baker	Cudaback	Howard	Kruse	Stuthman
Bourne	Cunningham	Hudkins	Louden	Synowiecki
Burling	Engel	Janssen	Pahls	Wehrbein
Byars	Fischer	Johnson	Redfield	
Connealy	Flood	Kopplin	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Landis	Preister	Smith	Thompson
Chambers	McDonald	Raikes	Stuhr	

Excused and not voting, 12:

Brashear	Erdman	Jensen	Pedersen, Dw.
Brown	Foley	Langemeier	Pederson, D.
Combs	Heidemann	Mines	Price

The appointment was confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Senator Cunningham moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 987:

Boiler Safety Code Advisory Board
 Martin Kasl
 Thomas DiMartino

Voting in the affirmative, 28:

Aguilar	Cornett	Friend	Louden	Schrock
Baker	Cudaback	Howard	Pahls	Stuthman
Bourne	Cunningham	Hudkins	Pederson, D.	Synowiecki
Burling	Engel	Janssen	Price	Wehrbein
Byars	Fischer	Kopplin	Raikes	
Connealy	Flood	Landis	Redfield	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Kremer	Preister	Stuhr
Chambers	Kruse	Schimek	Thompson
Johnson	McDonald	Smith	

Excused and not voting, 10:

Brashear	Combs	Foley	Jensen	Mines
Brown	Erdman	Heidemann	Langemeier	Pedersen, Dw.

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 121. E & R amendment, AM7066, found on page 969, was adopted.

Senator Louden renewed his pending amendment, AM0914, found on page 990.

The Louden amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 234. E & R amendment, AM7063, found on page 969, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 516. Senator Beutler renewed his pending amendment, AM0874, found on page 967.

The Beutler amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 485. Advanced to E & R for engrossment.

LEGISLATIVE BILL 492. E & R amendment, AM7064, found on page 969, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 39. Advanced to E & R for engrossment.

LEGISLATIVE BILL 352. Advanced to E & R for engrossment.

LEGISLATIVE BILL 299. Advanced to E & R for engrossment.

LEGISLATIVE BILL 144. Advanced to E & R for engrossment.

LEGISLATIVE BILL 684. Advanced to E & R for engrossment.

LEGISLATIVE BILL 684A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 668. Advanced to E & R for engrossment.

LEGISLATIVE BILL 131. E & R amendment, AM7065, found on page 970, was adopted.

Advanced to E & R for engrossment.

MOTION - Return LB 242 to Select File

Senator Brown moved to return LB 242 to Select File for her specific pending amendment, AM0840, found on page 976.

The Brown motion to return prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 242. The Brown specific pending amendment, AM0840, found on page 976, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 217. E & R amendment, AM7057, found on page 832, was adopted.

Senator Flood withdrew his pending amendment, AM0895, found on page 983.

Senator Flood offered the following amendment:
AM0968

(Amendments to E & R amendments, AM7057)

- 1 1. On page 3, line 10, strike "once any time" and insert
- 2 "twice"; and in line 11 after the period insert "Such publications
- 3 shall be at least three weeks apart.".
- 4 2. Strike beginning with page 3, line 20, through page
- 5 4, line 25, and insert the following new subsections:
- 6 "(3) No election shall be required prior to the issuance
- 7 of bonds under the Public Facilities Construction and Finance Act
- 8 unless, within sixty days after the first publication of the notice
- 9 of intention to issue bonds, a remonstrance petition against the
- 10 issuance of bonds is filed with the clerk or secretary of the
- 11 qualified public agency. Such remonstrance petition shall be
- 12 signed by registered voters of the qualified public agency equal in
- 13 number to at least five percent of the number of registered voters
- 14 of the qualified public agency at the time the remonstrance
- 15 petition is filed or at least the number of signatures listed in
- 16 subsection (5) of this section for the applicable qualified public

17 agency, whichever is less. If a remonstrance petition with the
 18 necessary number of qualified signatures is timely filed, the
 19 question shall be submitted to the voters of the qualified public
 20 agency at a general election or a special election called for the
 21 purpose of approving the bonds proposed to be issued. Any joint
 22 project for which bonds are issued in accordance with the
 23 procedures of the act shall not require any other approval or
 1 proceeding by the governing body or the voters of the qualified
 2 public agency.

3 (4) No election shall be required for any qualified
 4 public agency not issuing bonds to participate in such joint
 5 project unless, within sixty days after the governing body of the
 6 qualified public agency adopts the measure approving the interlocal
 7 or cooperative agreement related to the joint project, a
 8 remonstrance petition is filed with the clerk or secretary of the
 9 qualified public agency. Such remonstrance petition shall be
 10 signed by registered voters of the qualified public agency equal in
 11 number to at least five percent of the number of registered voters
 12 of the qualified public agency at the time the remonstrance
 13 petition is filed or at least the number of signatures listed in
 14 subsection (5) of this section for the applicable qualified public
 15 agency, whichever is less. If a remonstrance petition with the
 16 necessary number of qualified signatures is timely filed, the
 17 question shall be submitted to the voters of the qualified public
 18 agency at a general election or a special election called for the
 19 purpose of approving the interlocal or cooperative agreement
 20 related to the joint project.

21 (5) The chart in this subsection provides the alternative
 22 number of signatures of registered voters of a qualified public
 23 agency which may be used to submit a remonstrance petition under
 24 subsection (3) or (4) of this section. The classification of
 25 counties in section 23-1114.01 applies for purposes of this
 26 section.

27 <u>Qualified Public Agency</u>	<u>Number of Signatures of Registered Voters</u>
1 <u>City of the Metropolitan Class</u>	<u>1500</u>
2 <u>City of the Primary Class</u>	<u>1000</u>
3 <u>City of the First Class</u>	<u>750</u>
4 <u>City of the Second Class</u>	<u>250</u>
5 <u>Villages</u>	<u>50</u>
6 <u>Municipal County</u>	<u>1500</u>
7 <u>Class 7 County</u>	<u>1500</u>
8 <u>Class 6 County</u>	<u>1000</u>
9 <u>Class 5 County</u>	<u>750</u>
10 <u>Class 4 County</u>	<u>500</u>
11 <u>Class 3 County</u>	<u>250</u>
12 <u>Class 2 County</u>	<u>100</u>
13 <u>Class 1 County</u>	<u>50</u>
14 <u>Class VI School District</u>	<u>250</u>

16	<u>Class V School District</u>	<u>1500</u>
17	<u>Class IV School District</u>	<u>1000</u>
18	<u>Class III School District</u>	<u>500</u>
19	<u>Class II School District</u>	<u>250</u>
20	<u>Class I School District</u>	<u>250</u>
21	<u>Educational Service Unit</u>	<u>250</u>
22	<u>Community College Area</u>	<u>1500</u>
23	<u>Fire Protection District</u>	<u>500</u>
24	<u>Hospital District</u>	<u>500</u>
25	<u>Sanitary and Improvement District</u>	<u>500"</u>

The Flood amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:
AM0962

(Amendments to E & R amendments, AM7057)

- 1 1. On page 1, line 15; and page 2, line 5, after
- 2 "control" insert "and storm water drainage".

The Beutler amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:
AM0963

(Amendments to E & R amendments, AM7057)

- 1 1. On page 5, line 4, strike "and the" and insert
- 2 "except that cities of the primary class may not issue more than
- 3 fifteen million dollars and cities of the metropolitan class may
- 4 not issue more than twenty-five million dollars. The"; and in line
- 5 10 after "dollars" insert ", except that the aggregate amount for
- 6 one joint project involving a city of the primary class shall not
- 7 exceed fifteen million dollars or for one joint project involving a
- 8 city of the metropolitan class shall not exceed twenty-five million
- 9 dollars".

Senator Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 675. Senator Langemeier withdrew his pending amendment, AM0831, found on page 882.

Senator Langemeier offered the following amendment:
AM0961

- 1 1. On page 10, strike beginning with "within" in line 1
- 2 through "districts" in line 2 and all amendments thereto and insert
- 3 "at the school he or she attends"; and in line 15 strike "two",
- 4 show as stricken, and insert "three".

The Langemeier amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 675A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 206. E & R amendment, AM7059, printed separately and referred to on page 885, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 268. E & R amendment, AM7058, found on page 885, was adopted.

Senator Beutler renewed his pending amendment, AM0860, found on page 966.

The Beutler amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 439. E & R amendment, AM7060, found on page 885, was adopted.

Senator Kremer renewed his pending amendment, AM0871, found on page 917.

The Kremer amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 150. E & R amendment, AM7017, found on page 597, was adopted.

Senator Beutler renewed the Beutler-Kremer pending amendment, AM0817, found on page 970.

The Beutler-Kremer amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
AM0967

- 1 1. Strike original sections 7 and 10 and all amendments
- 2 thereto and insert:

3 "Sec. 7. (1) At each sale of cattle from a producer, the
 4 producer may at the point of sale with the producer's written
 5 consent pay a fee of one dollar per head of cattle sold. The
 6 producer shall remit the fee to the collecting person as provided
 7 in section 8 of this act.

8 (2) Unless the director has entered into a reciprocal
 9 agreement with the other state or states involved which provides
 10 otherwise, when cattle are sold to an out-of-state buyer who
 11 transacts business in Nebraska, the sale shall be deemed to have
 12 occurred in Nebraska if the cattle sold were being raised, fed, or
 13 otherwise maintained within Nebraska immediately prior to sale."

14 2. On page 3, line 4, strike "(a)"; and strike beginning
 15 with "or" in line 6 through "act" in line 7.

16 3. On page 7, line 22, strike "imposed pursuant to" and
 17 insert "under"; in line 23 after the semicolon insert "and"; and
 18 strike beginning with "Make" in line 24 through "(3)" in line 26.

19 4. On page 9, line 15, strike "fee prescribed in" and
 20 insert "voluntary fee under".

21 5. On page 10, line 7, strike the last "the" and insert
 22 "any".

23 6. Renumber the remaining sections and correct internal
 24 references accordingly.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 554A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 554, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 500A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LR 12CA:
 AM0969

- 1 1. On page 2, line 6, strike "twenty-four" and insert
- 2 "eighteen"; and in line 19 strike "twenty-four" and insert
- 3 "eighteen".

Senator Smith filed the following amendment to LR 12CA:
AM0950

- 1 1. On page 2, line 5, strike the new matter and
- 2 reinstate the stricken matter; in line 6 strike the new matter,
- 3 reinstate "not to exceed", before "thousand" insert "two", and
- 4 reinstate "per"; in line 7 reinstate the stricken matter; in line
- 5 18 strike "annual" and insert "monthly"; and in line 19 strike
- 6 "twenty-four" and insert "not to exceed two".

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 297. Placed on General File as amended.
Standing Committee amendment to LB 297:
AM0599

- 1 1. On page 2, line 25, strike "six months" and insert
- 2 "one year".

LEGISLATIVE BILL 436. Placed on General File as amended.
Standing Committee amendment to LB 436:
AM0959

- 1 1. On page 2, after line 27, insert the following new
- 2 paragraph:
- 3 "For purposes of this subdivision, when assessing the
- 4 earning power of the employee, the compensation court may consider
- 5 serious and permanent disfigurement of any body part to the extent
- 6 that it alters personal appearance and impairs the future
- 7 usefulness or earnings of the employee in the employee's occupation
- 8 at the time of receiving the injury."
- 9 2. On page 4, lines 17 through 21; and page 5, lines 21
- 10 through 27, strike the new matter.

(Signed) Douglas Cunningham, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 66. Introduced by Stuhr, 24.

WHEREAS, Myrna Swanson of Seward, Nebraska, is being honored as Nebraska's Mother of the Year for 2005; and

WHEREAS, this award exemplifies the ideals of successful motherhood: understanding, patience, compassion, love, courage, character, and community spirit; and

WHEREAS, Myrna and Jack Swanson are the parents of three children and ten grandchildren; and

WHEREAS, Myrna is an outstanding volunteer in many organizations, including the Concordia University Guild, the Plum Creek Children's Literacy Festival, the Memorial Health Care Systems Auxiliary, the GFWC Seward Woman's Club, and St. John Lutheran Church; and

WHEREAS, Myrna Swanson meets and exceeds the requirements of this award, all of which demand efficient organizational, time management, and leadership skills.

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

1. That the Legislature recognizes and congratulates Myrna Swanson.
2. That a copy of this resolution be sent to Myrna Swanson.

Laid over.

VISITORS

Visitors to the Chamber were Kia and Miles Colborn from Lincoln and Roland Hicks from Hemet, California; 48 fourth-grade students and teachers from Clarmar Elementary School, Fremont; 70 representatives of the Council of Catholic Women from across the state; 40 fourth-grade students and teacher from Minne Lusa Elementary School, Omaha; and 34 seniors, teacher, and sponsor from Wilcox-Hildreth Public School.

RECESS

At 12:00 p.m., on a motion by Senator Pahls, 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 Brashear who was excused; and Senators Bourne, Heidemann, Landis, McDonald, and Mines who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 150. The Chambers pending amendment, AM0967, found in this day's Journal, was renewed.

Senator Chambers offered the following amendment to his pending amendment:

FA131

Amend AM0967

In line 22 after "any" insert, "on page 12 in line 14 strike "or" and insert "nor", and in line 18 strike "proper" and insert "appropriate".

Senator Chambers asked unanimous consent to bracket until May 15, 2005.

Senator Kremer objected.

Senator Chambers offered the following motion:
Bracket until May 15, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 13:

Bourne	Connealy	Howard	Pahls	Thompson
Chambers	Cornett	Kruse	Schimek	
Combs	Cudaback	McDonald	Synowiecki	

Voting in the negative, 31:

Aguilar	Erdman	Janssen	Pedersen, Dw.	Stuhr
Baker	Fischer	Johnson	Pederson, D.	Stuthman
Brown	Flood	Kopplin	Price	Wehrbein
Burling	Foley	Kremer	Raikes	
Byars	Friend	Landis	Redfield	
Cunningham	Heidemann	Langemeier	Schrock	
Engel	Hudkins	Mines	Smith	

Present and not voting, 4:

Beutler	Jensen	Louden	Preister
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Excused and not voting, 1:

Brashear

The Chambers motion to bracket failed with 13 ayes, 31 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Chambers pending amendment, FA131, found in this day's Journal, to his pending amendment, AM0967, was renewed.

The Chambers amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 256A. Introduced by Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 256, Ninety-ninth Legislature, First Session, 2005.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 588:
AM0979

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 77-2711, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2711. (1)(a) The Tax Commissioner shall enforce
- 5 sections 77-2701.04 to 77-2713 and may prescribe, adopt, and
- 6 enforce rules and regulations relating to the administration and
- 7 enforcement of such sections.
- 8 (b) The Tax Commissioner may prescribe the extent to
- 9 which any ruling or regulation shall be applied without retroactive
- 10 effect.
- 11 (2) The Tax Commissioner may employ accountants,
- 12 auditors, investigators, assistants, and clerks necessary for the
- 13 efficient administration of the Nebraska Revenue Act of 1967 and
- 14 may delegate authority to his or her representatives to conduct
- 15 hearings, prescribe regulations, or perform any other duties
- 16 imposed by such act.
- 17 (3)(a) Every seller, every retailer, and every person
- 18 storing, using, or otherwise consuming in this state property
- 19 purchased from a retailer shall keep such records, receipts,
- 20 invoices, and other pertinent papers in such form as the Tax
- 21 Commissioner may reasonably require.
- 22 (b) Every such seller, retailer, or person shall keep
- 23 such records for not less than three years from the making of such
- 24 records unless the Tax Commissioner in writing sooner authorized
- 1 their destruction.
- 2 (4) The Tax Commissioner or any person authorized in
- 3 writing by him or her may examine the books, papers, records, and
- 4 equipment of any person selling property and any person liable for
- 5 the use tax and may investigate the character of the business of
- 6 the person in order to verify the accuracy of any return made or,
- 7 if no return is made by the person, to ascertain and determine the
- 8 amount required to be paid. In the examination of any person
- 9 selling property or of any person liable for the use tax, an
- 10 inquiry shall be made as to the accuracy of the reporting of city
- 11 sales and use taxes for which the person is liable under the Local

12 Option Revenue Act or sections 13-319, 13-324, and 13-2813 and the
13 accuracy of the allocation made between the various counties,
14 cities, villages, and municipal counties of the tax due. The Tax
15 Commissioner may make or cause to be made copies of resale or
16 exemption certificates and may pay a reasonable amount to the
17 person having custody of the records for providing such copies.

18 (5) The taxpayer shall have the right to keep or store
19 his or her records at a point outside this state and shall make his
20 or her records available to the Tax Commissioner at all times.

21 (6) In administration of the use tax, the Tax
22 Commissioner may require the filing of reports by any person or
23 class of persons having in his, her, or their possession or custody
24 information relating to sales of property, the storage, use, or
25 other consumption of which is subject to the tax. The report shall
26 be filed when the Tax Commissioner requires and shall set forth the
27 names and addresses of purchasers of the property, the sales price
1 of the property, the date of sale, and such other information as
2 the Tax Commissioner may require.

3 (7) It shall be a Class I misdemeanor for the Tax
4 Commissioner or any official or employee of the Tax Commissioner to
5 make known in any manner whatever the business affairs, operations,
6 or information obtained by an investigation of records and
7 activities of any retailer or any other person visited or examined
8 in the discharge of official duty or the amount or source of
9 income, profits, losses, expenditures, or any particular thereof,
10 set forth or disclosed in any return, or to permit any return or
11 copy thereof, or any book containing any abstract or particulars
12 thereof to be seen or examined by any person not connected with the
13 Tax Commissioner. Nothing in this section shall be construed to
14 prohibit (a) the delivery to a taxpayer, his or her duly authorized
15 representative, or his or her successors, receivers, trustees,
16 executors, administrators, assignees, or guarantors, if directly
17 interested, of a certified copy of any return or report in
18 connection with his or her tax, (b) the publication of statistics
19 so classified as to prevent the identification of particular
20 reports or returns and the items thereof, (c) the inspection by the
21 Attorney General, other legal representative of the state, or
22 county attorney of the reports or returns of any taxpayer when
23 either (i) information on the reports or returns is considered by
24 the Attorney General to be relevant to any action or proceeding
25 instituted by the taxpayer or against whom an action or proceeding
26 is being considered or has been commenced by any state agency or
27 the county or (ii) the taxpayer has instituted an action to review
1 the tax based thereon or an action or proceeding against the
2 taxpayer for collection of tax or failure to comply with the
3 Nebraska Revenue Act of 1967 is being considered or has been
4 commenced, (d) the furnishing of any information to the United
5 States Government or to states allowing similar privileges to the
6 Tax Commissioner, (e) the disclosure of information and records to

7 a collection agency contracting with the Tax Commissioner pursuant
8 to sections 77-377.01 to 77-377.04, or (f) the disclosure to
9 another party to a transaction of information and records
10 concerning the transaction between the taxpayer and the other
11 party.

12 (8) Notwithstanding the provisions of subsection (7) of
13 this section, the Tax Commissioner may permit the Postal Inspector
14 of the United States Postal Service or his or her delegates to
15 inspect the reports or returns of any person filed pursuant to the
16 Nebraska Revenue Act of 1967 when information on the reports or
17 returns is relevant to any action or proceeding instituted or being
18 considered by the United States Postal Service against such person
19 for the fraudulent use of the mails to carry and deliver false and
20 fraudulent tax returns to the Tax Commissioner with the intent to
21 defraud the State of Nebraska or to evade the payment of Nebraska
22 state taxes.

23 (9) Notwithstanding the provisions of subsection (7) of
24 this section, the Tax Commissioner may permit other tax officials
25 of this state to inspect the tax returns, reports, and applications
26 filed under sections 77-2701.04 to 77-2713, but such inspection
27 shall be permitted only for purposes of enforcing a tax law and
1 only to the extent and under the conditions prescribed by the rules
2 and regulations of the Tax Commissioner.

3 (10) Notwithstanding the provisions of subsection (7) of
4 this section, the Tax Commissioner may, upon request, provide the
5 county board of any county which has exercised the authority
6 granted by section 81-1254 with a list of the names and addresses
7 of the hotels located within the county for which lodging sales tax
8 returns have been filed or for which lodging sales taxes have been
9 remitted for the county's County Visitors Promotion Fund under the
10 Nebraska Visitors Development Act.

11 The information provided by the Tax Commissioner shall
12 indicate only the names and addresses of the hotels located within
13 the requesting county for which lodging sales tax returns have been
14 filed for a specified period and the fact that lodging sales taxes
15 remitted by or on behalf of the hotel have constituted a portion of
16 the total sum remitted by the state to the county for a specified
17 period under the provisions of the Nebraska Visitors Development
18 Act. No additional information shall be revealed.

19 (11)(a) Notwithstanding the provisions of subsection (7)
20 of this section, the Tax Commissioner shall, upon written request
21 by the Legislative Performance Audit Committee, make tax returns
22 and tax return information open to inspection by or disclosure to
23 Legislative Performance Audit Section employees for the purpose of
24 and to the extent necessary in making an audit of the Department of
25 Revenue pursuant to section 50-1205. Confidential tax returns and
26 tax return information shall be audited only upon the premises of
27 the Department of Revenue. All audit workpapers pertaining to the
1 audit of the Department of Revenue shall be stored in a secure

2 place in the Department of Revenue.
3 (b) No employee of the Legislative Performance Audit
4 Section shall disclose to any person, other than another
5 Legislative Performance Audit Section employee whose official
6 duties require such disclosure or as provided in subsections (2)
7 and (3) of section 50-1213, any return or return information
8 described in the Nebraska Revenue Act of 1967 in a form which can
9 be associated with or otherwise identify, directly or indirectly, a
10 particular taxpayer.

11 (c) Any person who violates the provisions of this
12 subsection shall be guilty of a Class I misdemeanor. For purposes
13 of this subsection, employee includes a former Legislative
14 Performance Audit Section employee.

15 (12) For purposes of subsections (11) and (12) of this
16 section:

17 (a) Disclosures means the making known to any person in
18 any manner a tax return or return information;

19 (b) Return information means:

20 (i) A taxpayer's identification number and (A) the
21 nature, source, or amount of his or her income, payments, receipts,
22 deductions, exemptions, credits, assets, liabilities, net worth,
23 tax liability, tax withheld, deficiencies, overassessments, or tax
24 payments, whether the taxpayer's return was, is being, or will be
25 examined or subject to other investigation or processing or (B) any
26 other data received by, recorded by, prepared by, furnished to, or
27 collected by the Tax Commissioner with respect to a return or the
1 determination of the existence or possible existence of liability
2 or the amount of liability of any person for any tax, penalty,
3 interest, fine, forfeiture, or other imposition or offense; and

4 (ii) Any part of any written determination or any
5 background file document relating to such written determination;
6 and

7 (c) Tax return or return means any tax or information
8 return or claim for refund required by, provided for, or permitted
9 under sections 77-2701 to 77-2713 which is filed with the Tax
10 Commissioner by, on behalf of, or with respect to any person and
11 any amendment or supplement thereto, including supporting
12 schedules, attachments, or lists which are supplemental to or part
13 of the filed return.

14 (13) In all proceedings under the Nebraska Revenue Act of
15 1967, the Tax Commissioner may act for and on behalf of the people
16 of the State of Nebraska. The Tax Commissioner in his or her
17 discretion may waive all or part of any penalties provided by the
18 provisions of such act, but may not waive the minimum interest on
19 delinquent taxes specified in section 45-104.02, as such rate may
20 from time to time be adjusted, except interest on use taxes
21 voluntarily reported by an individual.

22 ~~(12)(a)~~ (14)(a) The purpose of this subsection is to set
23 forth the state's policy for the protection of the confidentiality

24 rights of all participants in the system operated pursuant to the
25 streamlined sales and use tax agreement and of the privacy
26 interests of consumers who deal with model 1 sellers.

27 (b) For purposes of this subsection:

1 (i) Anonymous data means information that does not
2 identify a person;

3 (ii) Confidential taxpayer information means all
4 information that is protected under a member state's laws,
5 regulations, and privileges; and

6 (iii) Personally identifiable information means
7 information that identifies a person.

8 (c) The state agrees that a fundamental precept for model
9 1 sellers is to preserve the privacy of consumers by protecting
10 their anonymity. With very limited exceptions, a certified service
11 provider shall perform its tax calculation, remittance, and
12 reporting functions without retaining the personally identifiable
13 information of consumers.

14 (d) The governing board of the member states in the
15 streamlined sales and use tax agreement may certify a certified
16 service provider only if that certified service provider certifies
17 that:

18 (i) Its system has been designed and tested to ensure
19 that the fundamental precept of anonymity is respected;

20 (ii) Personally identifiable information is only used and
21 retained to the extent necessary for the administration of model 1
22 with respect to exempt purchasers;

23 (iii) It provides consumers clear and conspicuous notice
24 of its information practices, including what information it
25 collects, how it collects the information, how it uses the
26 information, how long, if at all, it retains the information, and
27 whether it discloses the information to member states. Such notice
1 shall be satisfied by a written privacy policy statement accessible
2 by the public on the web site of the certified service provider;

3 (iv) Its collection, use, and retention of personally
4 identifiable information is limited to that required by the member
5 states to ensure the validity of exemptions from taxation that are
6 claimed by reason of a consumer's status or the intended use of the
7 goods or services purchased; and

8 (v) It provides adequate technical, physical, and
9 administrative safeguards so as to protect personally identifiable
10 information from unauthorized access and disclosure.

11 (e) The state shall provide public notification to
12 consumers, including exempt purchasers, of the state's practices
13 relating to the collection, use, and retention of personally
14 identifiable information.

15 (f) When any personally identifiable information that has
16 been collected and retained is no longer required for the purposes
17 set forth in subdivision ~~(12)(d)(iv)~~ (14)(d)(iv) of this section,
18 such information shall no longer be retained by the member states.

- 19 (g) When personally identifiable information regarding an
 20 individual is retained by or on behalf of the state, it shall
 21 provide reasonable access by such individual to his or her own
 22 information in the state's possession and a right to correct any
 23 inaccurately recorded information.
- 24 (h) If anyone other than a member state, or a person
 25 authorized by that state's law or the agreement, seeks to discover
 26 personally identifiable information, the state from whom the
 27 information is sought should make a reasonable and timely effort to
 1 notify the individual of such request.
- 2 (i) This privacy policy is subject to enforcement by the
 3 Attorney General.
- 4 (j) All other laws and regulations regarding the
 5 collection, use, and maintenance of confidential taxpayer
 6 information remain fully applicable and binding. Without
 7 limitation, this subsection does not enlarge or limit the state's
 8 authority to:
- 9 (i) Conduct audits or other reviews as provided under the
 10 agreement and state law;
- 11 (ii) Provide records pursuant to the federal Freedom of
 12 Information Act, disclosure laws with governmental agencies, or
 13 other regulations;
- 14 (iii) Prevent, consistent with state law, disclosure of
 15 confidential taxpayer information;
- 16 (iv) Prevent, consistent with federal law, disclosure or
 17 misuse of federal return information obtained under a disclosure
 18 agreement with the Internal Revenue Service; and
- 19 (v) Collect, disclose, disseminate, or otherwise use
 20 anonymous data for governmental purposes."
- 21 2. On page 4, line 13; and page 6, line 22, after
 22 "50-1213" insert ", subsection (11) of section 77-2711".
- 23 3. On page 8, line 4, after "in" insert "subsection (11)
 24 of section 77-2711 and".
- 25 4. On page 16, line 19, before the comma insert "or as
 26 provided in subsections (2) and (3) of section 50-1213".
- 27 5. On page 26, line 3, after the first comma insert
 1 "77-2711".
- 2 6. Renumber the remaining sections accordingly.

Senator Smith filed the following amendment to LB 588:
 AM0942

- 1 1. Insert the following new section:
 2 "Sec. 4. Section 50-1205.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 50-1205.01. ~~(4) Except as provided in subsections (2)~~
 5 ~~and (3) of this section, performance~~ Performance audits done under
 6 the terms of the Legislative Performance Audit Act shall be
 7 conducted in accordance with the ~~general~~ generally accepted
 8 government auditing standards for performance audits, the Field

9 Work Standards for Performance Audits, and the Reporting Standards
 10 for Performance Audits contained in the Government Auditing
 11 Standards (2003 Revision), published by the Comptroller General of
 12 the United States, General Accounting Office. Prior to conducting
 13 a performance audit involving the Department of Revenue, any
 14 external quality control review required by the generally accepted
 15 government auditing standards shall have been implemented and
 16 completed.

17 ~~(2) General standards relating to continuing education~~
 18 ~~for those involved in performance audits may be met when time and~~
 19 ~~budgetary constraints allow.~~

20 ~~(3) General standards relating to external quality~~
 21 ~~control review may be implemented at the committee's discretion."~~

22 2. On page 26, line 2, strike "50-1205" and insert
 23 "50-1205.01".

24 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 361:
 AM0980

(Amendments to Standing Committee amendments, AM0523)

- 1 1. On page 12, line 2, strike "whatsoever" and insert
- 2 "in connection with an investigation of a particular crime".

Senator Raikes filed the following amendment to LB 38:
 AM0945

(Amendments to Standing Committee amendments, AM0567)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 85-1503, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 85-1503. For purposes of sections 85-1501 to 85-1540,
- 5 unless the context otherwise requires:
- 6 (1) Community college shall mean an educational
- 7 institution operating and offering programs pursuant to such
- 8 sections;
- 9 (2) Community college area shall mean an area established
- 10 by section 85-1504;
- 11 (3) Board shall mean the Community College Board of
- 12 Governors for each community college area;
- 13 (4) Full-time equivalent student shall mean, in the
- 14 aggregate, the equivalent of a registered student who in a
- 15 twelve-month period is enrolled in (a) thirty semester credit hours
- 16 or forty-five quarter credit hours of classroom, laboratory,
- 17 clinical, practicum, or independent study course work or
- 18 cooperative work experience or (b) nine hundred contact hours of
- 19 classroom or laboratory course work for which credit hours are not
- 20 offered or awarded. Avocational and recreational community service
- 21 programs or courses shall not be included in determining full-time
- 22 equivalent students or student enrollment;
- 23 (5) Contact hour shall mean an educational activity

- 1 consisting of sixty minutes minus break time and required time to
2 change classes;
- 3 (6) Credit hour shall mean the unit used to ascertain the
4 educational value of course work offered by the institution to
5 students enrolling for such course work, earned by such students
6 upon successful completion of such course work, and for which
7 tuition is charged. A credit hour may be offered and earned in any
8 of several instructional delivery systems, including, but not
9 limited to, classroom hours, laboratory hours, clinical hours,
10 practicum hours, cooperative work experience, and independent
11 study. A credit hour shall consist of a minimum of: (a) Ten
12 quarter or fifteen semester classroom contact hours per term of
13 enrollment; (b) twenty quarter or thirty semester academic transfer
14 and academic support laboratory hours per term of enrollment; (c)
15 thirty quarter or forty-five semester vocational laboratory hours
16 per term of enrollment; (d) thirty quarter or forty-five semester
17 clinical or practicum contact hours per term of enrollment; or (e)
18 forty quarter or sixty semester cooperative work experience contact
19 hours per term of enrollment. An institution may include in a
20 credit hour more classroom, laboratory, clinical, practicum, or
21 cooperative work experience hours than the minimum required in this
22 subdivision. The institution shall publish in its catalog, or
23 otherwise make known to the student in writing prior to the student
24 enrolling or paying tuition for any courses, the number of credit
25 or contact hours offered in each such course. Such published
26 credit or contact hour offerings shall be used to determine whether
27 a student is a full-time equivalent student pursuant to subdivision
1 (4) of this section;
- 2 (7) Classroom hour shall mean a minimum of fifty minutes
3 of formalized instruction on campus or off campus in which a
4 qualified instructor applying any combination of instructional
5 methods such as lecture, directed discussion, demonstration, or the
6 presentation of audiovisual materials is responsible for providing
7 an educational experience to students;
- 8 (8) Laboratory hour shall mean a minimum of fifty minutes
9 of educational activity on campus or off campus in which students
10 conduct experiments, perfect skills, or practice procedures under
11 the direction of a qualified instructor;
- 12 (9) Clinical hour shall mean a minimum of fifty minutes
13 of educational activity on campus or off campus during which the
14 student is assigned practical experience under constant supervision
15 at a health-related agency, receives individual instruction in the
16 performance of a particular function, and is observed and critiqued
17 in the repeat performance of such function. Adjunct professional
18 personnel, who may or may not be paid by the college, may be used
19 for the directed supervision of students and for the delivery of
20 part of the didactic phase of the experience;
- 21 (10) Practicum hour shall mean a minimum of fifty minutes
22 of educational activity on campus or off campus during which the

23 student is assigned practical experiences, receives individual
24 instruction in the performance of a particular function, and is
25 observed and critiqued by an instructor in the repeat performance
26 of such function. Adjunct professional personnel, who may or may
27 not be paid by the college, may be used for the directed

1 supervision of the students;

2 (11) Cooperative work experience shall mean an internship
3 or on-the-job training, designed to provide specialized skills and
4 educational experiences, which is coordinated, supervised,
5 observed, and evaluated by qualified college staff or faculty and
6 may be completed on campus or off campus, depending on the nature
7 of the arrangement;

8 (12) Independent study shall mean an arrangement between
9 an instructor and student in which the instructor is responsible
10 for assigning work activity or skill objectives to the student,
11 personally providing needed instruction, assessing the student's
12 progress, and assigning a final grade. Credit hours shall be
13 assigned according to the practice of assigning credits in similar
14 courses;

15 (13) Full-time equivalent student enrollment total shall
16 mean the total of full-time equivalent students enrolled in a
17 community college in any fiscal year;

18 (14) General academic transfer course shall mean a course
19 offering in a one-year or two-year degree-credit program, at the
20 associate degree level or below, intended by the offering
21 institution for transfer into a baccalaureate program. The
22 completion of the specified courses in a general academic transfer
23 program may include the award of a formal degree;

24 (15) Applied technology or occupational course shall mean
25 a course offering in an instructional program, at the associate
26 degree level or below, intended to prepare individuals for
27 immediate entry into a specific occupation or career. The primary
1 intent of the institutions offering an applied technology or
2 occupational program shall be that such program is for immediate
3 job entry. The completion of the specified courses in an applied
4 technology or occupational program may include the award of a
5 formal degree, diploma, or certificate;

6 (16) Academic support course shall mean a general
7 education academic course offering which may be necessary to
8 support an applied technology or occupational program;

9 (17) Class 1 course shall mean an applied technology or
10 occupational course offering which requires the use of equipment,
11 facilities, or instructional methods easily adaptable for use in a
12 general academic transfer program classroom or laboratory;

13 (18) Class 2 course shall mean an applied technology or
14 occupational course offering which requires the use of specialized
15 equipment, facilities, or instructional methods not easily
16 adaptable for use in a general academic transfer program classroom
17 or laboratory;

- 18 (19) Reported aid equivalent student shall mean a
19 full-time equivalent student subject to the following limitations:
20 (a) The number of credit hours which can be counted for
21 each student per semester or quarter shall be limited to eighteen
22 credit hours;
23 (b) For students enrolled for more than eighteen credit
24 hours, credit hours for each course shall be prorated as the
25 eighteen-credit-hour limit is to the student's total credit hours
26 for the semester or quarter;
27 (c) The credit-hour limit for a special instructional
1 term shall be prorated on the same ratio that a fifteen-week term
2 is to eighteen semester credit hours or a ten-week term is to
3 eighteen quarter credit hours; and
4 (d) The number of credit and contact hours which shall be
5 counted by any community college area in which a tribally
6 controlled community college is located shall include credit and
7 contact hours awarded by such tribally controlled community college
8 to students for which such institution received no federal
9 reimbursement pursuant to the Tribally Controlled Community College
10 Assistance Act, Public Law 95-471 as reauthorized by Public Law
11 ~~99-428~~ 25 U.S.C. 1801;
12 (20) Reported aid equivalent total shall mean the total
13 of all reported aid equivalents accumulated in a community college
14 area in any fiscal year;
15 (21) Reimbursable educational unit shall mean a reported
16 aid equivalent student multiplied by (a) for a general academic
17 transfer course or an academic support course, a factor of one, (b)
18 for a Class 1 course, a factor of one and fifty-hundredths, (c) for
19 a Class 2 course, a factor of one and eight-tenths for fiscal year
20 1995-96 and for the three-year averages, a factor of one and
21 nine-tenths for fiscal year 1996-97 and for the three-year
22 averages, and a factor of two for fiscal year 1997-98 and each
23 fiscal year thereafter and for the three-year averages, (d) for a
24 tribally controlled community college general academic transfer
25 course or academic support course, a factor of two, (e) for a
26 tribally controlled community college Class 1 course, a factor of
27 three, and (f) for a tribally controlled community college Class 2
1 course, a factor of three and six-tenths for fiscal year 1995-96
2 and for the three-year averages, a factor of three and eight-tenths
3 for fiscal year 1996-97 and for the three-year averages, and a
4 factor of four for fiscal year 1997-98 and each fiscal year
5 thereafter and for the three-year averages;
6 (22) Reimbursable educational unit total shall mean the
7 total of all reimbursable educational units accumulated in a
8 community college area in any fiscal year;
9 (23) Special instructional term shall mean any term which
10 is less than fifteen weeks for community colleges using semesters
11 or ten weeks for community colleges using quarters;
12 (24) Statewide reimbursable reported aid equivalent total

- 13 shall mean the total of all reimbursable reported aid equivalents
 14 accumulated statewide for the community college in any fiscal year;
 15 ~~(25)~~ Tribally controlled community college shall mean an
 16 educational institution operating and offering programs pursuant to
 17 the Tribally Controlled Community College Assistance Act, ~~Public~~
 18 ~~Law 95-471 as reauthorized by Public Law 99-428~~ 25 U.S.C. 1801; and
 19 ~~(25)~~ ~~(26)~~ Tribally controlled community college state aid
 20 amount shall mean the quotient of the amount of state aid to be
 21 distributed pursuant to sections 85-1536 and 85-1537 for the
 22 current fiscal year to a community college area in which a tribally
 23 controlled community college is located divided by the average of
 24 the reimbursable educational unit totals for such community college
 25 area for the immediately preceding three fiscal years, with such
 26 quotient then multiplied by the average reimbursable educational
 27 units derived pursuant to subdivision (19)(d) of this section for
 1 the immediately preceding three fiscal years."
 2 2. On page 5, line 27, strike the second "of" and insert
 3 "valuation per statewide reimbursable reported aid equivalent total
 4 as defined in section 85-1503 for".
 5 3. On page 6, line 2, strike "one-half" and insert "one"
 6 and strike "through 2008-09" and insert "and 2006-07".
 7 4. On page 11, line 8, after "the" insert "statewide";
 8 in line 11 strike "one-half" and insert "one"; in line 12 strike
 9 "through 2008-09" and insert "and 2006-07"; and strike beginning
 10 with "For" in line 14 through the period in line 18.
 11 5. On page 13, line 23, after the period insert "For
 12 purposes of aid distribution beginning with fiscal year 2006-07 and
 13 for each fiscal year thereafter, the revenue generated by up to
 14 one-half cent of the additional levy authorized under subdivision
 15 (2)(c) of section 85-1517 each fiscal year shall be added to the
 16 community college area's base year revenue.".
 17 6. On page 15, line 9, strike "section" and insert
 18 "sections 85-1503 and".
 19 7. Renumber the remaining sections accordingly.

Senator D. Pederson filed the following amendment to LB 47:
 FA132

On page 2, line 28, after the word "professorship" insert, "provided, that any such gift from the University of Nebraska Foundation or any of the Nebraska State College foundations must originate from a gift or gifts received by such foundation on or after June 1, 2005."

On page 3, line 9, after the word "position" insert, "provided, that any such gift from the University of Nebraska Foundation or any of the Nebraska State College foundations must originate from a gift or gifts received by such foundation on or after June 1, 2005."

Senator Beutler filed the following amendment to LB 82:
 AM0976

(Amendments to AM0902)

- 1 1. On page 3, line 4, after "disposition" insert "by
- 2 sale or other manner ninety days after the date of towing".

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 121. No objections. So ordered.

Senator Mines asked unanimous consent to have his name added as cointroducer to LB 132. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Minne Lusa Elementary School, Omaha; 9 fourth-, fifth-, and sixth-grade students and teachers from Riverdale; and Claire and Jackie Spahn from Lincoln.

MOTION - Adjournment

Senator D. Pederson moved to adjourn. The motion prevailed with 16 ayes, 11 nays, 19 present and not voting, and 3 excused and not voting, and at 3:31 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 2005.

Patrick J. O'Donnell
Clerk of the Legislature

