

SIXTY-THIRD DAY - APRIL 19, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 19, 2005

PRAYER

The prayer was offered by Pastor Bob Larson, St. Paul and Elim Lutheran Churches, Hooper.

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 Bourne who was excused; and Senators Combs, Engel, Landis, Mines, D. Pederson, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

**STANDING COMMITTEE REPORTS
Nebraska Retirement Systems**

LEGISLATIVE BILL 364. Placed on General File as amended.
(Standing Committee amendment, AM1210, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Elaine Stuhr, Chairperson

Business and Labor

LEGISLATIVE BILL 749. Placed on General File as amended.
Standing Committee amendment to LB 749:
AM1222

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 48-310, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-310. (1) No person under the age of sixteen years of

6 age shall be employed or ~~suffered~~ permitted to work in any
 7 employment as defined in section 48-301 more than forty-eight hours
 8 in any one week, nor more than eight hours in any one day, nor
 9 before the hour of 6 in the morning, nor after the hour of 8 in the
 10 evening if the child is under the age of fourteen, nor after the
 11 hour of 10 in the evening if such child is between the ages of
 12 fourteen and sixteen. The person issuing the work certificate may
 13 limit or extend the stated hour in individual cases by endorsement
 14 on the certificate, except a child shall only be permitted to work
 15 after the hour of 10 p.m. if there is no school scheduled for the
 16 following day and, if he or she is between fourteen and sixteen
 17 years of age, he or she has consented to such extension by signing
 18 his or her name on the endorsement extension, and his or her
 19 employer has obtained a special permit from the Department of
 20 Labor. The Department of Labor may issue a special permit to allow
 21 employment of such child beyond 10 p.m. upon being satisfied, after
 22 inspection of the working conditions, ~~of and~~ the safety,
 23 healthfulness, and general welfare to the child of the business
 24 premises. The special permit may be issued for periods not to
 1 exceed ninety days and may be renewed only after reinspection. The
 2 fee for each permit or renewal shall be established by rule and
 3 regulation of the Commissioner of Labor, and all money so collected
 4 by the commissioner shall be remitted to the State Treasurer who
 5 shall credit the funds to the General Fund. Every employer shall
 6 post in a conspicuous place in every room where such children are
 7 employed a printed notice stating the hours required of them each
 8 day, the hours of commencing and stopping work, and the time
 9 allowed for meals. The printed form of such notice shall be
 10 furnished by the Department of Labor.

11 (2) Except as provided in subsections (3) and (4) of this
 12 section, no person under sixteen years of age shall be employed or
 13 permitted to work as a door-to-door solicitor.

14 (3) A person under sixteen years of age engaged in the
 15 delivery or distribution of newspapers or shopping news may be
 16 employed or permitted to work as a door-to-door solicitor of
 17 existing customers of such newspapers or shopping news.

18 (4) A person under sixteen years of age is permitted to
 19 work as a door-to-door solicitor if he or she is working on behalf
 20 of his or her own individual entrepreneurial endeavor.

21 Sec. 2. Original section 48-310, Reissue Revised
 22 Statutes of Nebraska, is repealed."

(Signed) Douglas Cunningham, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 78. Introduced by Fischer, 43.

WHEREAS, the Stuart Public School Speech Team won first place in

Class D-2 at the Nebraska State Speech Tournament held in Lincoln, Nebraska, on March 17th and 18th, 2005; 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 Stuart Public School Speech Team be congratulated for its success.

2. That a copy of this resolution be sent to the Stuart Public School Speech Team and Coach Brenda Larabee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Senator Smith renewed his pending amendment, AM0051, found on page 697.

Pending.

AMENDMENTS - Print in Journal

Senators Redfield, Jensen, and Synowiecki filed the following amendment to **LB 40**:
AM1227

(Amendments to Standing Committee amendments, AM0387)

1 1. Strike amendments 1 and 2 and all amendments thereto
2 and insert the following new amendment:
3 "1. Strike the original sections and insert the
4 following new sections:
5 'Section 1. Section 58-703, Reissue Revised Statutes of
6 Nebraska, is amended to read:
7 58-703. The Affordable Housing Trust Fund is created.
8 The fund shall receive money pursuant to sections 8-1120 and 76-903
9 and may include revenue from sources recommended by the housing
10 advisory committee established in section 58-704, appropriations
11 from the Legislature, grants, private contributions, repayment of
12 loans, and all other sources, except that before appropriations
13 from the General Fund may be used as a revenue source for the
14 Affordable Housing Trust Fund or for administrative costs of the
15 Department of Economic Development in administering the fund, such
16 use must be specifically authorized by a separate legislative bill
17 passed in a legislative session subsequent to the Ninety-fourth
18 Legislature, Second Session, 1996. Any initial appropriation from
19 the General Fund which is used as a revenue source for the
20 Affordable Housing Trust Fund or for administrative costs shall be
21 in an appropriations bill which does not contain appropriations for

22 other programs. The department as part of its comprehensive
23 housing affordability strategy shall administer the Affordable
1 Housing Trust Fund.

2 Transfers may be made from the Affordable Housing Trust
3 Fund to the General Fund and the Behavioral Health Services Fund at
4 the direction of the Legislature. The State Treasurer shall make
5 transfers from the Affordable Housing Trust Fund to the General
6 Fund according to the following schedule: (1) ~~\$1,500,000 on or~~
7 ~~after July 1, 2004, but no later than July 10, 2004;~~ (2) \$1,500,000
8 on or after July 1, 2005, but no later than July 10, 2005; and ~~(3)~~
9 (2) \$1,500,000 on or after July 1, 2006, but no later than July 10,
10 2006. The State Treasurer shall transfer \$2,000,000 from the
11 Affordable Housing Trust Fund to the Behavioral Health Services
12 Fund on or after July 1, 2005, but not later than July 10, 2005.

13 Sec. 2. Section 58-706, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 58-706. The following activities are eligible for
16 assistance from the Affordable Housing Trust Fund:

17 (1) New construction, rehabilitation, or acquisition of

18 housing to assist low-income and very low-income families;

19 (2) Matching funds for new construction, rehabilitation,
20 or acquisition of housing units to assist low-income and very
21 low-income families;

22 (3) Technical assistance, design and finance services,
23 and consultation for eligible nonprofit community or
24 neighborhood-based organizations involved in the creation of
25 affordable housing;

26 (4) Matching funds for operating costs for housing
27 assistance groups or organizations when such grant or loan will
1 substantially increase the recipient's ability to produce
2 affordable housing;

3 (5) Mortgage insurance guarantees for eligible projects;

4 (6) Acquisition of housing units for the purpose of
5 preservation of housing to assist low-income or very low-income
6 families;

7 (7) Projects making affordable housing more accessible to
8 families with elderly members or members who have disabilities;

9 (8) Projects providing housing in areas determined by the
10 Department of Economic Development to be of critical importance for
11 the continued economic development and economic well-being of the
12 community and where, as determined by the department, a shortage of
13 affordable housing exists;

14 (9) Infrastructure projects necessary for the development
15 of affordable housing;

16 (10) Downpayment and closing cost assistance; and

17 (11) Housing education programs developed in conjunction
18 with affordable housing projects. The education programs must be
19 directed toward:

20 (a) Preparing potential home buyers to purchase

21 affordable housing and postpurchase education;
 22 (b) Target audiences eligible to utilize the services of
 23 housing assistance groups or organizations; and
 24 (c) Developers interested in the rehabilitation,
 25 acquisition, or construction of affordable housing, ~~and~~
 26 ~~(12) Rental assistance for adults with serious mental~~
 27 ~~illness.~~

1 Sec. 3. Section 71-812, Revised Statutes Supplement,
 2 2004, is amended to read:
 3 71-812. (1) The Behavioral Health Services Fund is
 4 created. The fund shall be administered by the division and shall
 5 contain cash funds appropriated by the Legislature or otherwise
 6 received by the Nebraska Health and Human Services System for the
 7 provision of behavioral health services from any other public or
 8 private source and directed by the Policy Cabinet or the
 9 Legislature for credit to the fund.

10 (2) The fund shall be used to encourage and facilitate
 11 the statewide development and provision of community-based
 12 behavioral health services, including, but not limited to, (a) the
 13 provision of grants, loans, and other assistance for such purpose
 14 and (b) reimbursement to providers of such services.
 15 ~~(3) (3)(a) Money transferred to the fund under section~~
 16 ~~76-903 shall be used for housing-related assistance for very~~
 17 ~~low-income adults with serious mental illness, except that if the~~
 18 ~~division determines that all housing-related assistance obligations~~
 19 ~~under this subsection have been fully satisfied, the division may~~
 20 ~~distribute any excess, up to twenty percent of such money, to~~
 21 ~~regional behavioral health authorities for acquisition or~~
 22 ~~rehabilitation of housing to assist such persons. The division~~
 23 ~~shall manage and distribute such funds based upon a formula~~
 24 ~~established by the division, in consultation with regional~~
 25 ~~behavioral health authorities and the Department of Health and~~
 26 ~~Human Services Finance and Support, in a manner consistent with and~~
 27 ~~reasonably calculated to promote the purposes of the public~~
 1 behavioral health system enumerated in section 71-803. The
 2 division shall contract with each regional behavioral health
 3 authority for the provision of such assistance. Each regional
 4 behavioral health authority may contract with qualifying public,
 5 private, or nonprofit entities for the provision of such
 6 assistance.

7 (b) For purposes of this subsection:
 8 (i) Adult with serious mental illness means a person
 9 eighteen years of age or older who has, or at any time during the
 10 immediately preceding twelve months has had, a diagnosable mental,
 11 behavioral, or emotional disorder of sufficient duration to meet
 12 diagnostic criteria identified in the most recent edition of the
 13 Diagnostic and Statistical Manual of Mental Disorders and which has
 14 resulted in functional impairment that substantially interferes
 15 with or limits one or more major life functions. Serious mental

16 illness does not include DSM V codes, substance abuse disorders, or
17 development disabilities unless such conditions exist concurrently
18 with a diagnosable serious mental illness;

19 (ii) Housing-related assistance includes rental payments,
20 utility payments, security and utility deposits, and other related
21 costs and payments; and

22 (iii) Very low-income means a household income of fifty
23 percent or less of the applicable median family income estimate as
24 established by the United States Department of Housing and Urban
25 Development.

26 (4) Any money in the fund available for investment shall
27 be invested by the state investment officer pursuant to the
1 Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act.

3 Sec. 4. Section 76-901, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-901. There is hereby imposed a tax on the grantor
6 executing the deed as defined in section 76-203 upon the privilege
7 of transferring beneficial interest in or legal title to real
8 estate at the rate of ~~one dollar~~ two dollars and ~~seventy five~~
9 ~~twenty-five~~ cents for each one thousand dollars value or fraction
10 thereof. For purposes of sections 76-901 to 76-908, value ~~shall~~
11 ~~mean~~ means (1) in the case of any deed, not a gift, the amount of
12 the full actual consideration thereof, paid or to be paid,
13 including the amount of any lien or liens assumed, and (2) in the
14 case of a gift or any deed with nominal consideration or without
15 stated consideration, the current market value of the property
16 transferred. Such tax shall be evidenced by stamps to be attached
17 to the deed. All deeds purporting to transfer legal title or
18 beneficial interest shall be presumed taxable unless it clearly
19 appears on the face of the deed or sufficient documentary proof is
20 presented to the register of deeds that the instrument is exempt
21 under section 76-902.

22 Sec. 5. Section 76-903, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 76-903. The Tax Commissioner shall design such stamps in
25 such denominations as in his or her judgment will be the most
26 advantageous to all persons concerned. When any deed subject to
27 the tax imposed by section 76-901 is offered for recordation, the
1 register of deeds shall ascertain and compute the amount of the tax
2 due thereon and shall collect such amount as a prerequisite to
3 acceptance of the deed for recordation. If a dispute arises
4 concerning the taxability of the transfer, the register of deeds
5 shall not record the deed until the disputed tax is paid. If a
6 disputed tax has been paid, the taxpayer may file for a refund
7 pursuant to section 76-908. The taxpayer may also seek a
8 declaratory ruling pursuant to rules and regulations adopted and
9 promulgated by the Department of Revenue. From each ~~one dollar~~ two
10 ~~dollars~~ and ~~seventy five~~ twenty-five cents of tax collected

11 pursuant to section 76-901, the register of deeds shall retain
12 fifty cents to be placed in the county general fund and shall remit
13 the balance to the State Treasurer who shall credit one dollar and
14 twenty cents of such amount to the Affordable Housing Trust Fund,
15 and twenty-five cents of such amount to the Homeless Shelter
16 Assistance Trust Fund, ~~except that beginning January 1, 2002, and~~
17 ~~ending December 31, 2003, the State Treasurer shall credit the~~
18 ~~balance as follows: Fifty cents of such amount to the Affordable~~
19 ~~Housing Trust Fund; twenty-five cents of such amount to the~~
20 ~~Homeless Shelter Assistance Trust Fund; and fifty cents of such~~
21 ~~amount to the General Fund and thirty cents of such amount to the~~
22 Behavioral Health Services Fund.

23 Sec. 6. Section 77-1327, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 77-1327. (1) It is the intent of the Legislature that
26 accurate and comprehensive information be developed by the Property
27 Tax Administrator and made accessible to the taxing officials and
1 property owners in order to ensure the uniformity and
2 proportionality of the assessments of real property valuations in
3 the state in accordance with law and to provide the statistical and
4 narrative reports pursuant to section 77-5027.

5 (2) All transactions of real property for which the
6 statement required in section 76-214 is filed shall be available
7 for development of a sales file by the Property Tax Administrator.
8 All transactions with stated consideration of more than one hundred
9 dollars or upon which more than ~~one dollar~~ two dollars and
10 ~~seventy-five~~ twenty-five cents in documentary stamp taxes are paid
11 shall be considered sales. All sales shall be deemed to be arm's
12 length transactions unless determined to be otherwise under
13 professionally accepted mass appraisal techniques. The Department
14 of Property Assessment and Taxation shall not overturn a
15 determination made by a county assessor regarding the qualification
16 of a sale unless the department reviews the sale and determines
17 through the review that the determination made by the county
18 assessor is incorrect.

19 (3) The Property Tax Administrator annually shall make
20 and issue comprehensive assessment ratio studies of the average
21 level of assessment, the degree of assessment uniformity, and the
22 overall compliance with assessment requirements for each major
23 class of real property subject to the property tax in each county.
24 The comprehensive assessment ratio studies shall be developed in
25 compliance with professionally accepted mass appraisal techniques
26 and shall employ such statistical analysis as deemed appropriate by
27 the Property Tax Administrator, including measures of central
1 tendency and dispersion. The comprehensive assessment ratio
2 studies shall be based upon the sales file as developed in
3 subsection (2) of this section and shall be used by the Property
4 Tax Administrator for the analysis of the level of value and
5 quality of assessment for purposes of section 77-5027 and by the

6 Property Tax Administrator in establishing the adjusted valuations
 7 required by section 79-1016. Such studies may also be used by
 8 assessing officials in establishing assessed valuations.
 9 (4) For purposes of determining the level of value of
 10 agricultural and horticultural land subject to special valuation
 11 under sections 77-1343 to 77-1348, the Property Tax Administrator
 12 shall annually make and issue a comprehensive study developed in
 13 compliance with professionally accepted mass appraisal techniques
 14 to establish the level of value if in his or her opinion the level
 15 of value cannot be developed through the use of the comprehensive
 16 assessment ratio studies developed in subsection (3) of this
 17 section.

18 (5) The Property Tax Administrator may require assessors
 19 and other taxing officials to report data on the assessed valuation
 20 and other features of the property assessment for such periods and
 21 in such form and content as the Property Tax Administrator shall
 22 deem appropriate. The Property Tax Administrator shall so
 23 construct and maintain the system used to collect and analyze the
 24 data to enable him or her to make intracounty comparisons of
 25 assessed valuation, including school districts, as well as
 26 intercounty comparisons of assessed valuation, including school
 27 districts. The Property Tax Administrator shall include analysis
 1 of real property sales pursuant to land contracts and similar
 2 transfers at the time of execution of the contract or similar
 3 transfer.

4 Sec. 7. This act becomes operative on July 1, 2005.

5 Sec. 8. Original sections 58-703, 58-706, 76-901,
 6 76-903, and 77-1327, Reissue Revised Statutes of Nebraska, and
 7 section 71-812, Revised Statutes Supplement, 2004, are repealed.

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

Senators Redfield, Jensen, and Synowiecki filed the following amendment
 to LB 40A:

AM1232

1 1. Strike the original section and insert the following
 2 new sections:
 3 "Section 1. There is hereby appropriated (1) \$2,000,000
 4 from the Behavioral Health Services Fund for FY2005-06 and (2)
 5 \$2,000,000 from the Behavioral Health Services Fund for FY2006-07
 6 to the Department of Health and Human Services Finance and Support,
 7 for Program 38, to aid in carrying out the provisions of
 8 Legislative Bill 40, Ninety-ninth Legislature, First Session, 2005.
 9 No expenditures for permanent and temporary salaries and
 10 per diems for state employees shall be made from funds appropriated
 11 in this section.
 12 There is included in the appropriation to this program
 13 for FY2005-06 \$2,000,000 Cash Funds for state aid, which shall only
 14 be used for such purpose. There is included in the appropriation

15 to this program for FY2006-07 \$2,000,000 Cash Funds for state aid,
16 which shall only be used for such purpose.

17 Sec. 2. There is hereby appropriated \$100,000 from the
18 Behavioral Health Services Fund for FY2005-06 to the Department of
19 Health and Human Services Finance and Support, for Program 38, to
20 aid in carrying out the provisions of Legislative Bill 40,
21 Ninety-ninth Legislature, First Session, 2005.

22 No expenditures for permanent and temporary salaries and
23 per diems for state employees shall be made from funds appropriated
24 in this section.

1 There is included in the appropriation to this program
2 for FY2005-06 \$100,000 Cash Funds for state aid, which shall only
3 be used for such purpose.

4 Funds appropriated in this section shall only be used for
5 housing-related assistance for very low-income adults with serious
6 mental illness. The Division of Behavioral Health Services of the
7 Department of Health and Human Services shall manage and distribute
8 such funds based upon a formula established by the division, in
9 consultation with regional behavioral health authorities and the
10 Department of Health and Human Services Finance and Support, in a
11 manner consistent with and reasonably calculated to promote the
12 purposes of the public behavioral health system provided in section
13 71-803.

14 The Division of Behavioral Health Services of the
15 Department of Health and Human Services shall contract with each
16 regional behavioral health authority for the provision of such
17 assistance. Each regional behavioral health authority may contract
18 with qualifying public, private, or nonprofit entities for the
19 provision of such assistance.

20 For purposes of this section (1) housing-related
21 assistance means rental payments, utility payments, security and
22 utility deposits, and other related costs and payments, (2) very
23 low-income means a household income of fifty percent or less of the
24 applicable median family income estimate as established by the
25 United States Department of Housing and Urban Development, and (3)
26 adult with serious mental illness means a person eighteen years of
27 age or older who has, or at any time during the immediately

1 preceding twelve months has had, a diagnosable mental, behavioral,
2 or emotional disorder of sufficient duration to meet diagnostic
3 criteria identified in the most recent edition of the Diagnostic
4 and Statistical Manual of Mental Disorders and which has resulted
5 in functional impairment that substantially interferes with or
6 limits one or more major life functions. Serious mental illness
7 does not include DSM V codes, substance abuse disorders, or
8 developmental disabilities unless such conditions exist
9 concurrently with a diagnosable serious mental illness.

10 Sec. 3. There is hereby appropriated \$1,845,000 from the
11 Behavioral Health Services Fund for FY2005-06 to the Department of
12 Health and Human Services Finance and Support, for Program 38, to

13 aid in carrying out the provisions of Legislative Bill 40,
14 Ninety-ninth Legislature, First Session, 2005.
15 No expenditures for permanent and temporary salaries and
16 per diems for state employees shall be made from funds appropriated
17 in this section.
18 There is included in the appropriation to this program
19 for FY2005-06 \$1,845,000 Cash Funds for state aid, which shall only
20 be used for such purpose.
21 Funds appropriated in this section shall be distributed
22 to each regional behavioral health authority on a per capita basis
23 no later than thirty days after receipt of such funds and shall
24 only be used for one-time funding for new construction,
25 acquisition, or rehabilitation of housing to assist very low-income
26 adults with serious mental illness.
27 Each regional behavioral health authority may contract
1 with qualifying public, private, or nonprofit entities for the
2 provision of such assistance.
3 For purposes of this section (1) very low-income means a
4 household income of fifty percent or less of the applicable median
5 family income estimate as established by the United States
6 Department of Housing and Urban Development and (2) adult with
7 serious mental illness means a person eighteen years of age or
8 older who has, or at any time during the immediately preceding
9 twelve months has had, a diagnosable mental, behavioral, or
10 emotional disorder of sufficient duration to meet diagnostic
11 criteria identified in the most recent edition of the Diagnostic
12 and Statistical Manual of Mental Disorders and which has resulted
13 in functional impairment that substantially interferes with or
14 limits one or more major life functions. Serious mental illness
15 does not include DSM V codes, substance abuse disorders, or
16 developmental disabilities unless such conditions exist
17 concurrently with a diagnosable serious mental illness.
18 Sec. 4. Since an emergency exists, this act takes effect
19 when passed and approved according to law."

VISITORS

Visitors to the Chamber were Rafael Trotman from the Guyana Parliament and Brian Ridenour from Lincoln; 40 fourth-grade students and teachers from Nebraska City; Mike Brtek from Norfolk, Maurice Jantze from Milford, and Jim Stehlik from Nebraska City; 26 twelfth-grade students and teacher from Cambridge; 22 fourth-grade students and teacher from Lyons Decatur N. E., Lyons; 37 fourth-grade students and teachers from Mockingbird Elementary School, Ralston; members of Nebraska Federation of Republican Women; and Fern Shamberg and Clara Owolabi from Fairbury.

RECESS

At 12:00 p.m., on a motion by Senator Heidemann, 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 Bourne who was excused; and Senators Dw. Pedersen and Thompson who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 70. The Smith pending amendment, AM0051, found on page 697 and considered in this day's Journal, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Smith amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Beutler renewed his pending amendment, FA149, found on page 1126.

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 542:
AM1228

(Amendments to AM1099)

- 1 1. On page 1, line 4, strike "fifteen" and insert
- 2 "nineteen"; in line 5 strike "Eight" and insert "Ten"; in line 17
- 3 strike "and"; and in line 19 after "Governor" insert ";
- 4 (8) One representative of organized labor appointed by
- 5 the Governor; and
- 6 (9) One representative of a low-income advocacy group
- 7 appointed by the Governor".

Senator Beutler filed the following amendment to LB 454:
AM1233

(Amendments to Standing Committee amendments, AM0810)

- 1 1. On page 2, line 15, before the period insert "which

2 meets the minimum safety and training requirements of section 6 of
 3 this act".

4 2. On page 3, strike beginning with "a" in line 2
 5 through the second "and" in line 5; and in line 8 after the period
 6 insert "The applicant shall attach to the application proof of
 7 training and proof of vision as required in subdivision (3) of
 8 section 7 of this act".

9 3. On page 6, line 1, after the first "or" insert "not";
 10 in line 2 before the semicolon insert "under the laws of this state
 11 or under the laws of any other jurisdiction"; in lines 3 and 14
 12 strike "five" and insert "ten"; and in lines 20 and 21 strike
 13 "Superintendent" through "Safety" and insert "Nebraska State
 14 Patrol".

15 4. On page 8, line 1, after "cause" insert "to believe".

Senator Chambers filed the following amendment to LB 454:
 AM1238

(Amendments to Standing Committee amendments, AM0810)

1 1. Insert the following new sections:
 2 "Sec. 23. To determine the number of pistols a licensee
 3 may lawfully carry concealed under the Concealed Handgun Permit Act
 4 or section 28-1202 on any given occasion (except if the United
 5 States or the State of Nebraska shall be at war), the body weight
 6 of the licensee shall be multiplied by ten-times the licensee's
 7 (admitted) age, then divided into the year of the licensee's birth
 8 plus one hundred thirty-seven and one-half, then add the number of
 9 inches of the licensee's height rounded up to the next full inch
 10 which shall be subtracted from the number of the current century
 11 (2100), if the number of the current century exceeds the other
 12 number, otherwise subtract the number of the current century from
 13 the other number, then, after multiplying the size of the
 14 licensee's right shoe by three-times the girth of the licensee's
 15 waist after a full meal, measured and certified by a professional
 16 tailor, subtract the sum obtained by adding together the digits in
 17 the licensee's social security number (which number shall be made
 18 known only to the licensing authority and any employee thereof who
 19 shall be guilty of a Class IB felony for any unauthorized
 20 disclosure of the number to any other person), then divide the
 21 grand total by three-fifths of the number on line 17 of the
 22 licensee's personal income tax return (federal) for the immediately
 23 preceding year, but if the licensee is not required by law to file
 1 a federal income tax return or if the licensee failed to file a tax
 2 return for the immediately preceding year and has not been indicted
 3 for failure to file a return, this step should be disregarded and
 4 in its stead, the licensee's home address (no post office box
 5 number is acceptable) multiplied by ten if the address contains
 6 four or fewer digits but by six and five-tenths if such address
 7 contains five or more digits, but in no case shall the number of
 8 pistols carried concealed exceed the total number of the licensee's

9 pockets at the time of being approached, stopped, accosted,
10 interrogated, or otherwise contacted by any sworn law enforcement
11 officer and any other suitable hiding places including, but not
12 limited to: (1) Purses, (2) tote bags, (3) shopping bags of
13 whatever material or variety just so the pistol is not visible, (4)
14 umbrellas, (5) picnic baskets, (6) beverage coolers, (7) boots, (8)
15 bras, (9) bloomers, (10) shorts (jockey or boxer), (11) briefcases,
16 (12) backpacks, (13) hidden holsters or reasonable facsimiles
17 thereof, (14) baggy britches, (15) billowy shirts, (16) bulky
18 sweaters, (17) flouncy skirts, et al., (18) coats of any and every
19 kind and variety, (19) wide sleeves, (20) big hair, (21) hats, (22)
20 helmets, (23) prostheses, (24) canes and walking sticks of any and
21 every variety suitable for the purpose of concealing a firearm,
22 (25) lunch buckets or boxes, and (26) hollowed-out books and the
23 like.

24 Sec. 24. Section 23 of this act shall be liberally
25 construed to accomplish the purpose of ensuring that licensees may
26 carry concealed the maximum number of pistols for personal
27 protection due to paranoia and stark terror of the licensee toward
1 the licensee's family, friends, neighbors, strangers, and possible
2 enemy invaders.

3 Sec. 25. Any person who violates section 23 of this act
4 is guilty of an infraction. In addition to any other punishment
5 imposed by the court, the defendant shall be required to go about
6 unarmed for a number of days equal to six times the sentencing
7 judge's age divided by the number of the courtroom where the
8 sentence is pronounced, subtracted from two hundred fifty, and
9 multiplied by two, but in no case fewer than one hundred eighty
10 days.

11 Sec. 26. If the defendant fails to comply fully and
12 completely with the going-about-unarmed requirement of section 25
13 of this act, the defendant shall be taken into custody and after a
14 hearing shall be transported by the sheriff of the county where the
15 proceedings were had to the facility or location where the Nebraska
16 State Patrol conducts firearms training and there the defendant's
17 trigger finger shall be shot off by Nebraska State Senator Jeanne
18 M. Combs using a pistol of her choice but which must be approved by
19 the Superintendent of Law Enforcement and Public Safety. Execution
20 of the punishment shall be without the benefit of any type of
21 anesthesia other than flavored malt liquor.

22 Sec. 27. In case of the death, sickness, absence, cold
23 feet, or inability to act, then State Senator Combs shall, in
24 writing, with the approval of the Superintendent of Law Enforcement
25 and Public Safety, designate and appoint a suitable and competent
26 person to act for her as shooter in any particular case.

27 Sec. 28. Any offense punishable by the shooting off of
1 the trigger finger must be punished according to the provisions
2 herein made and no other. The trigger finger or any parts,
3 portions, shreds, fragments, bits, pieces, other remnants, or

4 leftovers shall be offered to the defendant for disposal in the
5 manner the defendant deems appropriate, otherwise cremation shall
6 be employed.

7 Sec. 29. When any person shall be sentenced to have his
8 or her trigger finger shot off, such punishment shall be inflicted
9 in such a manner as to exclude the view of all persons save any
10 clergyperson in attendance upon request of the defendant, the
11 Superintendent of Law Enforcement and Public Safety or his or her
12 designee, no more than three additional officers of the Nebraska
13 State Patrol selected and assigned by the superintendent, any
14 medical and other personnel deemed necessary or expedient by the
15 superintendent or his or her designee, and no more than three
16 representatives of the news media except that no television cameras
17 or other photographic devices or recording devices of any kind
18 shall be permitted at the scene of the shoot-off. In addition, the
19 defendant may choose to allow as many as ten tickets to be
20 auctioned to grant witnessing privileges to the ten highest bidders
21 if the proceeds are donated to a nonprofit charity.

22 Sec. 30. The filing of a notice of appeal shall act as a
23 supersedeas and shall stay execution of the sentence until after
24 all appellate proceedings have been completed and the sentence
25 affirmed.

26 Sec. 31. The cost of all proceedings, transportation,
27 use of the Nebraska State Patrol facility, and any ammunition shall
1 be borne by the defendant unless the sentence is overturned by the
2 court."

3 2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 79. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to determine the extent to which wards of the Nebraska Health and Human Services System are being prescribed behavior-modifying medication. The study shall include, but not be limited to:

1. Examination of the number and percentage of state wards that are currently prescribed behavior modifying medication;
2. Examination of the costs incurred by the Nebraska Health and Human Services System as a result of the prescription and administration of behavior-modifying medication to state wards;
3. Examination of the number of foster parents receiving "treatment" level compensation for care of wards whose behavior is being controlled by medication; and
4. Consideration of the need for revisions to the practice of having behavior-modifying medications prescribed to state wards.

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

1. That a committee of the Legislature shall be designated to conduct an

interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 70. The Beutler pending amendment, FA149, found on page 1126 and considered in this day's Journal, was renewed.

SENATOR JANSSEN PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Chambers requested a roll call vote on the Beutler amendment.

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

Voting in the affirmative, 16:

Beutler	Foley	Kopplin	Schimek
Byars	Howard	Kruse	Synowiecki
Cornett	Jensen	Pahls	Thompson
Engel	Johnson	Price	Wehrbein

Voting in the negative, 25:

Aguilar	Combs	Flood	Kremer	Redfield
Baker	Connealy	Friend	Landis	Schrock
Brashear	Cunningham	Heidemann	Langemeier	Smith
Burling	Erdman	Hudkins	McDonald	Stuhr
Chambers	Fischer	Janssen	Mines	Stuthman

Present and not voting, 6:

Brown	Pedersen, Dw.	Preister
Louden	Pederson, D.	Raikes

Excused and not voting, 2:

Bourne Cudaback

The Beutler amendment lost with 16 ayes, 25 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Jensen renewed his pending amendment, AM1106, found on page 1140.

SENATOR CUDABACK PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senators Raikes and Landis filed the following amendment to LB 407: AM1196

(Amendments to Standing Committee amendments, AM0501)

- 1 1. Strike section 12.
- 2 2. On page 5, line 23, strike "use", show as stricken,
- 3 and insert "uses".
- 4 3. On page 6, line 18, strike "tax", show as stricken,
- 5 and insert "assessment"; strike lines 19 through 22 and show the
- 6 old matter as stricken; strike beginning with "the" in line 25
- 7 through the first comma in line 26 and show as stricken; and in
- 8 line 26 strike the second comma and show as stricken.
- 9 4. On page 12, line 2, before "The" insert "(1)" and
- 10 strike ", at any time."; in line 4 strike "section" and insert
- 11 "sections 77-1344 and"; strike beginning with "Within" in line 4
- 12 through the period in line 7 and insert "If the county assessor's
- 13 disqualification determination is made on or before March 19 of the
- 14 year for which the land is deemed disqualified, the county assessor
- 15 shall send a written notice of the determination to the applicant
- 16 or owner within fifteen days after his or her determination,
- 17 including the reason for the disqualification."; and in line 16
- 18 after the period insert "The valuation notice relating to the land
- 19 subject to the county assessor's disqualification notice shall be
- 20 sent in accordance with subsection (2) of section 77-1315 and the
- 21 valuation may be protested pursuant to section 77-1502.
- 22 (2) If the county assessor's disqualification
- 1 determination is made after March 19 and on or before July 25 of
- 2 the year for which the land is deemed disqualified, the county
- 3 assessor shall prepare a report for the county board of
- 4 equalization setting forth the parcel the county assessor believes
- 5 should be disqualified, the reason for the disqualification, and
- 6 the valuation of the property after disqualification. The county
- 7 board of equalization may meet on or after June 1 and on or before
- 8 July 25 to consider the question of the disqualification and

9 valuation of a parcel or parcels reported to the county board of
 10 equalization pursuant to this section. Upon review of the report
 11 from the county assessor, the county board of equalization may
 12 issue a written notice to the taxpayer determining that the parcel
 13 should be disqualified and determining the valuation of the parcel
 14 after disqualification. A protest of either the disqualification
 15 determination or the valuation of the parcel, or both, may be filed
 16 with the county board of equalization within thirty days after the
 17 mailing of the notice. The county board of equalization shall
 18 decide the protest within thirty days after the filing of the
 19 protest. The county clerk shall, within seven days after the
 20 county board of equalization's final decision, mail to the
 21 protester written notification of the board's decision. The
 22 decision of the county board of equalization may be appealed to the
 23 Tax Equalization and Review Commission in accordance with section
 24 77-5013 within thirty days after the date of the decision.".

25 5. On page 15, strike beginning with line 22 through
 26 "and" in line 23.

27 6. On page 20, line 25, strike "77-1359, and 77-1381"
 1 and insert "and 77-1359".

2 7. Renumber the remaining sections accordingly.

Senator D. Pederson filed the following amendment to LB 673A:
 FA167

On page 2, line 1, strike \$100,000 and insert "\$25,000."

On page 2, line 2, strike \$100,000 and insert "\$25,000."

UNANIMOUS CONSENT - Add Cointroducer

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 114. No objections. So ordered.

VISITORS

Visitors to the Chamber were Christian, Daniel, and Mathias Holst from Copenhagen, Denmark, and Ron and Karen Barker from Lincoln; 11 fifth-, seventh-, and eighth-grade students and teacher from Harrison; and 41 fifth- and sixth-grade students and teachers from Kenesaw.

ADJOURNMENT

At 4:01 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, April 20, 2005.

Patrick J. O'Donnell
 Clerk of the Legislature

