

EIGHTY-FIFTH DAY - MAY 25, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 25, 2005

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

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

The roll was called and all members were present except Senators Brown, Burling, Combs, Cornett, Cunningham, Fischer, Landis, Langemeier, Dw. Pedersen, D. Pederson, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

GENERAL FILE

LEGISLATIVE BILL 761A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 28A. Senator Connealy renewed his pending amendment, FA301, found on page 1715.

The Connealy amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 126A. Senator Heidemann offered the following amendment:

AM1719

- 1 1. On page 2, line 1, strike "\$650,000" and insert
- 2 "\$450,000".

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

The Heidemann amendment lost with 13 ayes, 23 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

MOTION - Return LB 312 to Select File

Senator Beutler moved to return LB 312 to Select File for the following specific amendment:

AM1723

(Amendments to Final Reading copy)

- 1 1. On page 15, lines 15 and 19, strike "Sales" and
- 2 insert "Commencing January 1, 2008, sales".

Senator Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 8:

Beutler	Howard	Louden	Raikes
Chambers	Kopplin	Price	Schimek

Voting in the negative, 36:

Aguilar	Cornett	Friend	Langemeier	Stuhr
Baker	Cudaback	Heidemann	McDonald	Stuthman
Bourne	Cunningham	Hudkins	Mines	Thompson
Brashear	Engel	Janssen	Pahls	Wehrbein
Brown	Erdman	Jensen	Pederson, D.	
Burling	Fischer	Johnson	Redfield	
Byars	Flood	Kremer	Schrock	
Connealy	Foley	Landis	Smith	

Present and not voting, 4:

Combs	Kruse	Preister	Synowiecki
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Excused and not voting, 1:

Pedersen, Dw.

The Beutler motion to return failed with 8 ayes, 36 nays, 4 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 312 with 35 ayes, 6 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 312.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 66-1349, 77-202, 77-1229, 77-2711, 77-2715.07, 77-2717, 77-27,119, 77-27,187 to 77-27,188, 77-27,194 to 77-27,195, and 77-4109, Reissue Revised Statutes of Nebraska, and sections 66-1344, 77-2701, 77-2701.04, 77-2734.03, and 77-5536, Revised Statutes Supplement, 2004; to provide for and change provisions relating to tax incentives, credits, refunds, and exemptions; to rename the Employment Expansion and Investment Incentive Act; to adopt the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 3:

Chambers	Raikes	Schimek
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Excused and not voting, 1:

Pedersen, Dw.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 312A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 312, Ninety-ninth Legislature, First Session, 2005.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Pedersen, Dw.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 90 with 36 ayes, 5 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 90. With Emergency.

A BILL FOR AN ACT relating to economic development; to amend sections 58-202, 58-242, and 66-1345.04, Reissue Revised Statutes of Nebraska, and section 66-1345.01, Revised Statutes Supplement, 2004; to adopt the Building Entrepreneurial Communities Act; to reenact the Agricultural Opportunities and Value-Added Partnerships Act; to provide termination dates; to modify provisions involving agricultural projects under the Nebraska Investment Finance Authority Act; to eliminate an obsolete provision; to change the tax rate on corn and grain sorghum and legislative intent regarding appropriations to the Ethanol Production Incentive Cash Fund; to repeal the original sections; to outright repeal sections 2-5401 to 2-5412 and 90-527, Revised Statutes Supplement, 2004; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 2:

Chambers Raikes

Excused and not voting, 1:

Pedersen, Dw.

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

MOTION - Return 90A to Select File

Senator Chambers moved to return 90A to Select File for the following specific amendment:

FA304

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING**LEGISLATIVE BILL 90A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Brown Kruse

Excused and not voting, 1:

Pedersen, Dw.

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

SPEAKER BRASHEAR PRESIDING**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 123, 124, 125, 126, 127, 128, 129, 130,

131, 132, and 133 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, and 133.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 312, 312A, 90, and 90A.

STANDING COMMITTEE REPORT **Agriculture**

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

Greg Ibach - Department of Agriculture

VOTE: Aye: Senators Kremer, Wehrbein, Preister, Burling, Cunningham, Erdman, Fischer. Nay: None. Absent: Senator Chambers.

(Signed) Bob Kremer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 235. Introduced by Heidemann, 1.

WHEREAS, the Pawnee City High School Girls Track Team won the Class D State Championship; and

WHEREAS, Dani Burgess qualified for state competition, and placed 3rd in the 3200 meter relay at the state meet; and

WHEREAS, Heather Blecha qualified for state competition, and placed 4th in the 1600 meter relay at the state meet; and

WHEREAS, Alicia Marteney qualified for state competition and placed 3rd in the 3200 meter relay, 3rd in the 3200 meter run, 2nd in the 1600 meter run and 4th in the 1600 meter relay at the state meet; and

WHEREAS, Samantha Musil qualified for state competition and placed 3rd in the 3200 meter relay, 1st in shot put, and 1st in discus at the state meet; and

WHEREAS, Michelle Habegger qualified for state competition and placed 1st in triple jump, 2nd in the 100 meter hurdles, 3rd in long jump, and 4th in the 1600 meter relay at the state meet; and

WHEREAS, Jessie McAferty qualified for state competition and placed 3rd in the 3200 meter relay and 4th in the 1600 meter relay at the state meet; and

WHEREAS, the Pawnee City High School Girls Track Team had a undefeated season; and

WHEREAS, outstanding individual athletes, as well as the entire track team, should be recognized for their excellent track season; and

WHEREAS, we should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Jayme Droge, Brooke Burgess, Dani Burgess, Samantha Johnson, Skylar Leatherman, Courtney Smith, Heather Blecha, Shannon Friedly, Laurel Sunneberg, Alicia Marteney, Kyla Gyhra, Samantha Musil, Mary Zelenka, Michelle Habegger, Jessie McAferty, and Clare Voigtlander be congratulated on their undefeated season and for their achievement in claiming the Class D Girls Track State Champion Title.

2. That coaches Alan Strong, Mark Leonard, Candy Sejkora, and Bud Pettlgrew be applauded for their efforts in teaching and providing guidance to the young women on the track team.

3. That a copy of this resolution be sent to Head Coach Alan Strong.

Laid over.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 538. Placed on Select File as amended.

E & R amendment to LB 538:

AM7106

1 1. In the Standing Committee amendments, AM1650:
 2 a. On page 6, line 22, strike "Has" and insert "Have";
 3 and
 4 b. On page 10, line 16, after "fee" insert "described in
 5 subdivision (3)(a) of this section"; and in lines 17 and 18 strike
 6 "subdivisions" through "(c)" and insert "subdivision (3)(c)".
 7 2. On page 1, strike beginning with "28-439" in line 1
 8 through line 4 and insert "28-929, 28-930, 47-621 to 47-625,
 9 47-627, 47-630, 47-632, 71-1,148, and"; strike lines 6 and 7 and
 10 insert "sections 28-931, 29-2246, 29-2252, 29-2257, 29-2258,
 11 29-2262.06, 29-2269, 81-1423, 81-1425, 83-1,102,"; in line 9 strike
 12 "penalties for" and insert "offenses relating to" and after the
 13 second "change" insert "and eliminate"; strike beginning with
 14 "forfeiture" in line 10 through the first comma in line 11; in line
 15 14 strike "and"; and in line 15 after "sections" insert "; and to
 16 outright repeal section 47-626, Reissue Revised Statutes of
 17 Nebraska".

LEGISLATIVE BILL 538A. Placed on Select File.

LEGISLATIVE BILL 484. Placed on Select File as amended.

E & R amendment to LB 484:

AM7112

1 1. On page 8, line 2, strike the new matter and

2 reinstate the stricken matter.

3 2. On page 27, line 4, strike beginning with

4 "Commencing" through "the", show as stricken, and insert "The"; and

5 in line 5 strike "in" and show as stricken and strike "December,

6 for", show the old matter as stricken, and insert "by December 1

7 of".

8 3. On page 34, line 7, strike "that".

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 577. Title read. Considered.

SENATOR JANSSEN PRESIDING

The Standing Committee amendment, AM1510, found on page 1476, was considered.

Senator Raikes withdrew his pending amendment, AM1575, found on page 1745.

Senator Raikes offered the following amendment to the Standing Committee amendment:

AM1720

(Amendments to Standing Committee amendments, AM1510)

1 1. On page 4, line 6, strike "local system's" and insert
 2 "district's"; in line 7 after "calculation" insert "for the local
 3 system"; in line 9 after "membership" insert "for the first time
 4 or"; in line 10 strike "receiving" through "is"; in line 15 strike
 5 "such"; strike line 16 through "measured" in line 18 and insert
 6 "childhood education programs if students are included in the local
 7 system's qualified early childhood education fall membership for
 8 the first time"; in lines 19 and 21 strike "program" and insert
 9 "programs"; in line 22 strike the first "the" and insert "a"; and
 10 in line 27 strike "2005-06" and insert "2006-07".
 11 2. On page 5, line 4, strike "2005" and insert "2006";
 12 in line 7 strike beginning with "strike" through the last quotation
 13 mark and insert "strike 'actual' and insert 'planned'"; in line 26
 14 after the first "for" insert "(i) continuation grants for programs
 15 that received grants in the prior school fiscal year and for which
 16 the state aid calculation pursuant to the Tax Equity and
 17 Educational Opportunities Support Act does not include early
 18 childhood education students, in an amount equal to the amount of
 19 such grant, except that if the grant was a first-year grant the
 20 amount shall be reduced by thirty-three percent, and (ii)"; and
 21 strike beginning with "that" in line 26 through "2005-06" in line
 22 27 and insert "for which the state aid calculation pursuant to the
 23 act includes early childhood education students.".

- 1 3. On page 6, line 1, after "for" insert "the" and
 2 strike "2005-06" and insert "prior to the first school fiscal year
 3 for which early childhood education students were included in the
 4 state aid calculation for the school district's local system"; in
 5 line 4 after "district's" insert "local system"; and in line 5
 6 strike "program" and insert "programs".
 7 4. On page 7, line 2, strike "year" and insert "fiscal
 8 years prior to"; in lines 6 and 7 strike "2006-07" and insert
 9 "2005-06"; and in line 7 after "school" insert "fiscal".

SENATOR CUDABACK PRESIDING

The Raikes amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 713. E & R amendment, AM7102, printed separately and referred to on page 1667, was adopted.

Senator Bourne offered the following amendment:
 AM1683

(Amendments to E & R amendments, AM7102)

- 1 1. On page 4, after line 4 insert the following new
 2 subsection:
 3 "(11) The changes made to this section by this
 4 legislative bill shall apply to offenses committed prior to the
 5 effective date of this act for which the statute of limitations has
 6 not expired as of such date and to offenses committed on or after
 7 such date.".
 8 2. On page 12, line 18, strike "or" and insert an
 9 underscored comma; in line 19 after "volunteer" insert ",
 10 licensure, or certification"; in line 20 after "(3)" insert
 11 "Information may be disclosed to health care providers who serve
 12 children or vulnerable adults for the purpose of conducting
 13 confidential background checks for employment;
 14 (4)"; and in line 23 strike "(4)", show as stricken, and
 15 insert "(5)".
 16 3. On page 13, line 1, strike "Release", show as
 17 stricken, and insert
 18 "The release", strike "such" and show as stricken, and
 19 after "information" insert "authorized by this section"; and in
 20 line 11 strike the new matter and strike "(4) of" and show as

21 stricken.

The Bourne amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 146. E & R amendment, AM7104, found on page 1695, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 146A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 332. E & R amendment, AM7105, found on page 1724, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 332A. Senator McDonald renewed the McDonald-Wehrbein pending amendment, AM1697, found on page 1744.

The McDonald-Wehrbein amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 40. Senator Smith withdrew his pending amendment, FA303, found on page 1744.

Senators Redfield, Bourne, and Flood offered the following amendment:
AM1730

(Amendments to AM1227)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 58-708, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 58-708. (1) During each calendar year in which funds are
- 5 available from the Affordable Housing Trust Fund for use by the
- 6 Department of Economic Development, the department shall allocate a
- 7 specific amount of funds, not less than twenty-five percent, to
- 8 each congressional district. Entitlement area funds allocated
- 9 under this section that are not awarded to an eligible project from
- 10 within the entitlement area within one year shall be made available
- 11 for distribution to eligible projects elsewhere in the state. The
- 12 department shall announce a grant and loan application period of at
- 13 least ninety days duration for all nonentitlement areas. In
- 14 selecting projects to receive trust fund assistance, the department
- 15 shall develop a qualified allocation plan and give first priority

16 to financially viable projects that serve the lowest income
 17 occupants for the longest period of time. The qualified allocation
 18 plan shall:

19 (a) Set forth selection criteria to be used to determine
 20 housing priorities of the housing trust fund which are appropriate
 21 to local conditions, including the community's immediate need for
 22 affordable housing, proposed increases in home ownership, private
 23 dollars leveraged, level of local government support and
 1 participation, and repayment, in part or in whole, of financial
 2 assistance awarded by the fund; and

3 (b) Give first priority in allocating trust fund
 4 assistance among selected projects to those projects which serve
 5 the lowest income occupant and are obligated to serve qualified
 6 occupants for the longest period of time.

7 (2) The department shall fund in order of priority as
 8 many applications as will utilize available funds less actual
 9 administrative costs of the department in administering the
 10 program. In administering the program the department may contract
 11 for services or directly provide funds to other governmental
 12 entities or instrumentalities."

13 2. On page 10, line 5, after the second comma insert
 14 "58-708,".

15 3. Renumber the remaining sections accordingly.

The Redfield et al. amendment was adopted with 29 ayes, 5 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 40A. E & R amendment, AM7090, found on page 1328, was adopted.

Senator Preister renewed his pending amendment, AM1692, found on page 1713.

The Preister amendment was adopted with 26 ayes, 6 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 2005, at 10:30 a.m. were the following: LBs 312, 312A, 90e, and 90Ae.

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

**APPROPRIATIONS COMMITTEE REPORT
ON LB 425**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB 425.

The Appropriations Committee makes no recommendation with respect to line-item vetoes contained in LB 425.

(Signed) Don Pederson, Chair
Appropriations Committee

RESOLUTION

LEGISLATIVE RESOLUTION 236. Introduced by Burling, 33.

WHEREAS, less than four percent of the boys in the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zachary Sealey has demonstrated a strong commitment to the community of Hastings, Nebraska, through service projects and volunteer hours; and

WHEREAS, Zachary has demonstrated diligence in his pursuit to attain the honorary status of Eagle Scout; and

WHEREAS, Zachary has earned and deserves the honor of being named "An Eagle Scout".

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

1. That the Legislature commends Zachary Sealey for his outstanding accomplishment of becoming an Eagle Scout.
2. That a copy of this resolution be sent to Zachary Sealey.

Laid over.

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

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

Mike Behm - Nebraska Commission on Law Enforcement and Criminal Justice

VOTE: Aye: Senators Burling, Fischer, Langemeier, Pahls, Schimek, Wehrbein. Nay: None. Absent: Senators Brown, Mines.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests

the appointment(s) be confirmed by the Legislature and suggests a record vote.

Bryan Tuma - Nebraska State Patrol

VOTE: Aye: Senators Burling, Fischer, Langemeier, Pahls, Schimek, Wehrbein. Nay: None. Absent: Senators Brown, Mines.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Senator Connealy filed the following amendment to LB 645:
AM1722

(Amendments to the Brashear, et al. amendment, AM1334)

- 1 1. On page 3, line 6, strike "or wholesale".
- 2 2. On page 2, strike lines 6 through 9; and in line 10
- 3 strike "(3)" and insert "(2)".

Senators Mines and Beutler filed the following amendment to LB 589:
AM1707

(Amendments to Standing Committee amendments, AM0743)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds that (1) the
- 4 Department of Health and Human Services and the Department of
- 5 Health and Human Services Finance and Support rely on health
- 6 insurance and claims information from private insurers to ensure
- 7 accuracy in processing state benefit program payments to providers
- 8 and in verifying individual recipients' eligibility, (2) delay or
- 9 refusal to provide such information causes unnecessary expenditures
- 10 of state funds, (3) disclosure of such information to the
- 11 Department of Health and Human Services and the Department of
- 12 Health and Human Services Finance and Support is permitted pursuant
- 13 to the federal Health Insurance Portability and Accountability
- 14 privacy rules under 45 C.F.R. part 164, and (4) for medical
- 15 assistance program recipients who also have other insurance
- 16 coverage, including coverage by licensed and self-funded insurers,
- 17 the Department of Health and Human Services Finance and Support is
- 18 required by 42 U.S.C. 1396a(a)(25) to assure that licensed and
- 19 self-funded insurers coordinate benefits with the program.
- 20 Sec. 2. For purposes of sections 1 to 8 of this act:
- 21 (1) Coordinate benefits means:
- 22 (a) Provide to the Department of Health and Human
- 23 Services or the Department of Health and Human Services Finance and
- 1 Support information regarding the licensed insurer's or self-funded
- 2 insurer's existing coverage for an individual who is eligible for a
- 3 state benefit program; and
- 4 (b) Meet payment obligations;

- 5 (2) Coverage information means health information
6 possessed by a licensed insurer or self-funded insurer that is
7 limited to the following information about an individual:
8 (a) Eligibility for coverage under a health plan;
9 (b) Coverage of health care under the health plan; or
10 (c) Benefits and payments associated with the health
11 plan;
12 (3) Health plan means any policy of insurance issued by a
13 licensed insurer or any employee benefit plan offered by a
14 self-funded insurer that provides for payment to or on behalf of an
15 individual as a result of an illness, disability, or injury or
16 change in a health condition;
17 (4) Individual means a person covered by a state benefit
18 program, including the medical assistance program established under
19 sections 68-1018 to 68-1025, or a person applying for such
20 coverage;
21 (5) Licensed insurer means any insurer, except a
22 self-funded insurer, including a fraternal benefit society,
23 producer, or other person licensed or required to be licensed,
24 authorized or required to be authorized, or registered or required
25 to be registered pursuant to the insurance laws of the state; and
26 (6) Self-funded insurer means any employer or union who
27 provides a self-funded employee benefit plan.

1 Sec. 3. (1) Except as provided in subsection (2) of this
2 section, at the request of the Department of Health and Human
3 Services or the Department of Health and Human Services Finance and
4 Support, a licensed insurer or a self-funded insurer shall provide
5 coverage information to the requesting department without an
6 individual's authorization for purposes of:

- 7 (a) Determining an individual's eligibility for state
8 benefit programs, including the medical assistance program
9 established under sections 68-1018 to 68-1025; or
10 (b) Coordinating benefits with state benefit programs.
11 Such information shall be provided within thirty days
12 after the date of request unless good cause is shown. Requests for
13 coverage information shall specify individual recipients for whom
14 information is being requested.

15 (2)(a) Coverage information requested pursuant to
16 subsection (1) of this section regarding a limited benefit policy
17 shall be limited to whether a specified individual has coverage
18 and, if so, a description of that coverage, and such information
19 shall be used solely for the purposes of subdivision (1)(a) of this
20 section.

- 21 (b) For purposes of this section, limited benefit policy
22 means a policy of insurance issued by a licensed insurer that
23 consists only of one or more, or any combination of the following:
24 (i) Coverage only for accident or disability income
25 insurance, or any combination thereof;
26 (ii) Coverage for specified disease or illness; or

27 (iii) Hospital indemnity or other fixed indemnity1 insurance.2 Sec. 4. Any violation of section 3 of this act by a3 licensed insurer shall be subject to the Unfair Insurance Claims4 Settlement Practices Act.5 Sec. 5. The Department of Health and Human Services6 Finance and Support may impose and collect a civil penalty on a7 self-funded insurer who violates the requirements of section 3 of8 this act if the department finds that the self-funded insurer:9 (1) Committed the violation flagrantly and in conscious10 disregard of the requirements; or11 (2) Has committed violations with such frequency as to12 indicate a general business practice to engage in that type of13 conduct.14 The civil penalty shall not be more than one thousand15 dollars for each violation, not to exceed an aggregate penalty of16 thirty thousand dollars, unless the violation by the self-funded17 insurer was committed flagrantly and in conscious disregard of18 section 3 of this act, in which case the penalty shall not be more19 than fifteen thousand dollars for each violation, not to exceed an20 aggregate penalty of one hundred fifty thousand dollars.21 Sec. 6. The Department of Health and Human Services22 Finance and Support is authorized to recover all amounts paid or to23 be paid to state benefit programs as a result of failure to24 coordinate benefits by a licensed insurer or a self-funded insurer.25 If at the time the department pursues recovery, the licensed26 insurer or self-funded insurer has already made any payment, the27 department may pursue recovery of that payment only from the party1 who received it. Any amount recovered shall be returned to the2 fund of the program from which the expenditure was made.3 Sec. 7. The Department of Health and Human Services4 Finance and Support shall establish a process by rule and5 regulation for resolving any violation by a self-funded insurer of6 section 3 of this act and for assessing the financial penalties7 contained in section 5 of this act. Any appeal of an action by the8 department under such policies shall be in accordance with the9 Administrative Procedure Act.10 Sec. 8. All money collected as a civil penalty under11 section 4 or 5 of this act shall be remitted to the State Treasurer12 for distribution in accordance with Article VII, section 5, of the13 Constitution of Nebraska.14 Sec. 9. Section 44-1540, Reissue Revised Statutes of15 Nebraska, is amended to read:16 44-1540. Any of the following acts or practices by an17 insurer, if committed in violation of section 44-1539, shall be an18 unfair claims settlement practice:19 (1) Knowingly misrepresenting to claimants and insureds20 relevant facts or policy provisions relating to coverages at issue;21 (2) Failing to acknowledge with reasonable promptness

- 22 pertinent communications with respect to claims arising under its
23 policies;
- 24 (3) Failing to adopt and implement reasonable standards
25 for the prompt investigation and settlement of claims arising under
26 its policies;
- 27 (4) Not attempting in good faith to effectuate prompt,
1 fair, and equitable settlement of claims submitted in which
2 liability has become reasonably clear;
- 3 (5) Not attempting in good faith to effectuate prompt,
4 fair, and equitable settlement of property and casualty claims (a)
5 in which coverage and the amount of the loss are reasonably clear
6 and (b) for loss of tangible personal property within real property
7 which is insured by a policy subject to section 44-501.02 and which
8 is wholly destroyed by fire, tornado, windstorm, lightning, or
9 explosion;
- 10 (6) Compelling insureds or beneficiaries to institute
11 litigation to recover amounts due under its policies by offering
12 substantially less than the amounts ultimately recovered in
13 litigation brought by them;
- 14 (7) Refusing to pay claims without conducting a
15 reasonable investigation;
- 16 (8) Failing to affirm or deny coverage of a claim within
17 a reasonable time after having completed its investigation related
18 to such claim;
- 19 (9) Attempting to settle a claim for less than the amount
20 to which a reasonable person would believe the insured or
21 beneficiary was entitled by reference to written or printed
22 advertising material accompanying or made part of an application;
- 23 (10) Attempting to settle claims on the basis of an
24 application which was materially altered without notice to or
25 knowledge or consent of the insured;
- 26 (11) Making a claims payment to an insured or beneficiary
27 without indicating the coverage under which each payment is being
1 made;
- 2 (12) Unreasonably delaying the investigation or payment
3 of claims by requiring both a formal proof-of-loss form and
4 subsequent verification that would result in duplication of
5 information and verification appearing in the formal proof-of-loss
6 form;
- 7 (13) Failing, in the case of the denial of a claim or the
8 offer of a compromise settlement, to promptly provide a reasonable
9 and accurate explanation of the basis for such action;
- 10 (14) Failing to provide forms necessary to present claims
11 with reasonable explanations regarding their use within fifteen
12 working days of a request;
- 13 (15) Failing to adopt and implement reasonable standards
14 to assure that the repairs of a repairer owned by or affiliated
15 with the insurer are performed in a skillful manner. For purposes
16 of this subdivision, a repairer is affiliated with the insurer if

17 there is a preexisting arrangement, understanding, agreement, or
 18 contract between the insurer and repairer for services in
 19 connection with claims on policies issued by the insurer; ~~and~~
 20 (16) Requiring the insured or claimant to use a
 21 particular company or location for motor vehicle repair. Nothing
 22 in this subdivision shall prohibit an insurer from entering into
 23 discount agreements with companies and locations for motor vehicle
 24 repair or otherwise entering into any business arrangements or
 25 affiliations which reduce the cost of motor vehicle repair if the
 26 insured or claimant has the right to use a particular company or
 27 reasonably available location for motor vehicle repair. If the
 1 insured or claimant chooses to use a particular company or location
 2 other than the one providing the lowest estimate for like kind and
 3 quality motor vehicle repair, the insurer shall not be liable for
 4 any cost exceeding the lowest estimate. For purposes of this
 5 subdivision, motor vehicle repair shall include motor vehicle glass
 6 replacement and motor vehicle glass repair; and
 7 (17) Failing to provide coverage information or
 8 coordinate benefits pursuant to section 3 of this act.
 9 Sec. 10. If any section in this act or any part of any
 10 section is declared invalid or unconstitutional, the declaration
 11 shall not affect the validity or constitutionality of the remaining
 12 portions.
 13 Sec. 11. Original section 44-1540, Reissue Revised
 14 Statutes of Nebraska, is repealed."

SELECT FILE

LEGISLATIVE BILL 478. E & R amendment, AM7101, found on page 1662, was adopted.

Senator Cornett renewed her pending amendment, AM1690, found on page 1713.

Pending.

VISITORS

Visitors to the Chamber were Senator Heidemann's sister and nephews, Lois, Casey, and Tyler Bohling, from Elk Creek; members of the Delta Epsilon Omega Chapter of Alpha Kappa Alpha Sorority Incorporated from Lincoln and Omaha; Senator Kremer's grandson, Tim Kremer, from Lincoln; Harlan Schrieber from Hooper; 43 fourth-grade students and teachers from Sunny Slope Elementary School, Omaha; 50 fourth-grade students and teacher from Loveland Elementary School, Omaha; and Larry and Monica Stauffer from Humboldt.

RECESS

At 11:57 a.m., on a motion by Senator Hudkins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Burling, Combs, Cunningham, and Louden who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 28A, 114, and 126A.

(Signed) Michael Flood, Chairperson

REPORT OF THE EXECUTIVE BOARD2005 Resolutions calling for an Interim Study

- LR 68 Interim study of the safety of and potential improvements to the intersections in Nebraska's state highway system
Transportation and Telecommunications
- LR 69 Interim study to investigate and provide recommendations to address the public health hazards created by methamphetamine labs
Health and Human Services
- LR 74 Interim study to determine the potential need for social workers to be placed as staff in public schools
Education
- LR 75 Interim study to review key priorities set forth by the LR 174 Task Force regarding the state's system of postsecondary education
Legislative Evaluation Task Force
- LR 79 Interim study to determine the extent to which wards of the Health and Human Services System are being prescribed behavior-modifying medication
Health and Human Services

- LR 86 Interim study to examine the Workplace Safety Consultation Program and possible funding mechanisms
Business and Labor
- LR 87 Interim study to examine legislation regarding a proof of need pre-process on any state agencies' proposed contracts for services over fifty thousand dollars
Government, Military and Veterans Affairs
- LR 88 Interim study relating to the exemption of sales tax on United States Postal Service delivery charges for transportation of advertising materials
Revenue
- LR 89 Interim study to examine incentives to stimulate development of renewable energy in Nebraska
Revenue
- LR 90 Interim study to examine electronic waste recycling including funding mechanisms
Natural Resources
- LR 91 Interim study to examine environmental justice issues
Natural Resources
- LR 92 Interim study to examine implementation of the federal confined animal feeding regulations under the National Pollutant Discharge Elimination System
Natural Resources
- LR 96 Interim study to examine the Internet, telephone, and mail order sale of tobacco products and loss of revenue
Revenue
- LR 99 Interim study to examine issues relating to the extent of the use of governmental entities' geographic computer databases by the public
Government, Military and Veterans Affairs
- LR 100 Interim study to examine issues relating to the municipal annexation of land located within the boundaries of a rural water district
Urban Affairs
- LR 101 Interim study to examine issues relating to the Uniform Trust Code
Banking, Commerce and Insurance
- LR 102 Interim study to examine the feasibility, ramifications, and costs of electronic waste recycling

Natural Resources

- LR 103 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs
- LR 104 Interim study to examine the current election process for public power districts
Government, Military and Veterans Affairs
- LR 105 Interim study to examine rural economic development programs
Thirteen member comm. appointed by Exec Bd
- LR 106 Interim study to examine goals and funding for animal damage control programs
Agriculture
- LR 107 Interim study to examine the need to update Nebraska's law of division fences
Agriculture
- LR 108 Interim study to review issues associated with implementation of a national animal identification program
Agriculture
- LR 109 Interim study to determine the feasibility of a policy to prohibit bullying behavior in public schools
Education
- LR 112 Interim study to examine use of agreements by political subdivisions under the Interlocal Cooperation Act or the Joint Public Agency Act
Government, Military and Veterans Affairs
- LR 113 Interim study to examine the public health and safety issues related to paint ball sports
Health and Human Services
- LR 114 Interim study to examine issues related to cemeteries and cemetery law
General Affairs
- LR 117 Interim study to examine employee wage collection after the close of each pay period
Business and Labor
- LR 118 Interim study of issues relating to earmarking of personal property tax revenue from irrigation equipment for natural resources districts

Revenue

- LR 119 Interim study to develop a solution to keep downstream improvements from being located in potentially hazardous locations downstream of existing dams
Natural Resources
- LR 120 Interim study to examine the concept of developing special hunting permits for big game
Natural Resources
- LR 121 Interim study to examine the economic impact of the federal Concentrated Animal Feeding Operations regulations on small and medium sized livestock operations
Natural Resources
- LR 122 Interim study to examine livestock operation transfers
Natural Resources
- LR 134 Interim study to examine fees paid to county treasurers for certain tax collections
Revenue
- LR 135 Interim study to examine issues relating to security requirements of licensees under the Grain Warehouse Act and the Grain Dealer Act
Agriculture
- LR 136 Interim study to examine the Universal Service Fund
Transportation and Telecommunications
- LR 137 Interim study to explore the need to find a dependable funding source for capital construction and renovation projects for higher education and state government
Appropriations
- LR 138 Interim study relating to elimination of personal property tax on agricultural property and changing agricultural land valuation
Revenue
- LR 139 Interim study to review laws and regulations including allowable vehicle dimensions, weights, and fees as they pertain to increasing efficiency and commerce
Transportation and Telecommunications
- LR 140 Interim study to examine issues relating to dissemination or sale of motor vehicle records, personal information, and other citizen information in electronic format
Transportation and Telecommunications

- LR 141 Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee
Transportation and Telecommunications
- LR 142 Interim study to examine motor vehicle titling laws regarding the allowable timeframe in which a lienholder must deliver a motor vehicle title after discharge of the lien
Transportation and Telecommunications
- LR 143 Interim study to examine issues relating to the current state of landline and enhanced wireless 911 service
Transportation and Telecommunications
- LR 144 Interim study to investigate the purpose of the Nebraska Telecommunications Universal Service Fund Act and the services currently supported by the fund
Transportation and Telecommunications
- LR 145 Interim study to examine parole issues
Judiciary
- LR 146 Interim study of the workers' compensation program to determine whether changes in benefits or procedures are warranted
Business and Labor
- LR 147 Interim study to examine the Workplace Safety Consultation Program
Business and Labor
- LR 148 Interim study to determine policy issues of exempt agriculture producers and penalty provisions under the Workers' Compensation Act
Business and Labor
- LR 149 Interim study to examine health plan coverage and payments under state benefit programs
Banking, Commerce and Insurance
- LR 150 Interim study to examine the eligibility requirements for directors of public power districts
Natural Resources
- LR 151 Interim study to examine the practices and procedures regarding the collection of delinquent corporate and business taxes
Revenue
- LR 152 Interim study to examine implementation of a registration process for ATV's to address the issue of noncompliance in remitting sales tax and titling

Revenue

- LR 153 Interim study to examine issuance of retail liquor licenses
General Affairs
- LR 154 Interim study to examine combining the Board of Barber
Examiners and the Board of Cosmetology Examiners
Health and Human Services
- LR 155 Interim study to examine calculations under the Tax Equity and
Educational Opportunities Support Act
Education
- LR 156 Interim study to explore the environmental impact of historical
waste disposal at the Agricultural Research and Development
Center near Mead
Natural Resources
- LR 157 Interim study to examine the statutory scheme regarding
enforcement of rental agreements and leases under the Landlord
and Tenant Act
Judiciary
- LR 158 Interim study of human trafficking in the state
Judiciary
- LR 159 Interim study to examine enacting a safe haven law
Health and Human Services
- LR 160 Interim study to examine lending to grain warehouses secured in
part or in whole by grain inventories
Agriculture
- LR 161 Interim study to examine trailer licensing statutes
Transportation and Telecommunications
- LR 162 Interim study to examine creation of statutes to allow cities,
counties, and other jurisdictional entities to create tax development
districts to fund infrastructure development
Revenue
- LR 163 Interim study to examine the misuse of emergency rooms for minor
ailments which results in increased health care costs
Health and Human Services
- LR 164 Interim study to examine a requirement that motor vehicle
insurance providers notify the Dept. of Motor Vehicles when a
motorist drops liability insurance
Transportation and Telecommunications

- LR 165 Interim study to analyze federal requirements pertaining to improving security for drivers' licenses and personal identification cards
Transportation and Telecommunications
- LR 166 Interim study to examine uses of and controls on the Nebraska Resources Development Fund
Natural Resources
- LR 167 Interim study to examine the need to redact children's social security numbers and other identifying factors from child support orders in dissolution of marriage decrees
Judiciary
- LR 168 Interim study to examine the need to establish the Office of Public Guardianship within the Supreme Court
Judiciary
- LR 169 Interim study to examine the use of contempt actions in child custody and visitation orders
Judiciary
- LR 170 Interim study to examine the statutes relative to condominium conversions
Judiciary
- LR 171 Interim study to review Nebraska's existing system of establishing qualifications for health care translators and interpreters
Health and Human Services
- LR 172 Interim study to examine how fees and fines for false home alarms are calculated and imposed
Government, Military and Veterans Affairs
- LR 173 Interim study of the statutes regarding claims brought forth under the annual state claims bill
Business and Labor/Government
- LR 174 Interim study to explore the need of institutions of higher education to attract and retain outstanding faculty through use of publicly funded endowment funds and other means
Education
- LR 175 Interim study of the overall structure of Nebraska's Low-Income Home Energy Assistance Program (LIHEAP) and potential alternative funding sources
Health and Human Services

- LR 176 Interim study to examine actuarial and accounting mechanisms that can be utilized in order to resolve or minimize state actuarial contributions
Nebraska Retirement Systems
- LR 177 Interim study to examine the five public employee retirement systems administered by the Public Employees Retirement Board and funding needs
Nebraska Retirement Systems
- LR 178 Interim study to examine items defined as compensation as each pertains to the School Employees Retirement System
Nebraska Retirement Systems
- LR 179 Interim study of the issue of dramshop liability
Judiciary
- LR 180 Interim study to assess the impact of Nebraska changing to a home rule state in matters of local concern
Urban Affairs
- LR 181 Interim study to examine ways to improve the state's ability to monitor high-risk sex offenders upon their release from state custody
Judiciary
- LR 182 Interim study to analyze Article IV, section 5, of the Constitution relating to the impeachment of civil officers for misdemeanors in office
Judiciary
- LR 183 Interim study to examine the Motor Vehicle Service Contract Reimbursement Insurance Act
Banking, Commerce and Insurance
- LR 184 Interim study to investigate the reasons for the large increase in the number of school administrators
Education
- LR 185 Interim study to formulate a plan to implement the option of allowing contract schools to operate within public school districts
Education
- LR 186 Interim study to examine issues related to the Gamblers Assistance Program
Health and Human Services

- LR 187 Interim study to evaluate the Dept. of Health and Human Services' compliance with the federal Adoption and Safe Families Act of 1997
Health and Human Services
- LR 188 Interim study to analyze the formula used to determine the qualification for and disbursement of money from the Mutual Finance Assistance Fund
Urban Affairs
- LR 189 Interim study to review the retirement systems created under the Class V School Employees Retirement Act
Nebraska Retirement Systems
- LR 190 Interim study to determine whether the Constitution should be amended to increase the membership of the Public Service Commission
Government, Military and Veterans Affairs
- LR 191 Interim study to examine the extent, nature, and quality of mental health and substance abuse services being provided in Nebraska's correctional system
Judiciary
- LR 192 Interim study of the issues surrounding the use of ignition interlock devices for persons convicted of driving under the influence
Transportation and Telecommunications
- LR 193 Interim study to review matters within the jurisdiction of the Urban Affairs Committee
Urban Affairs
- LR 194 Interim study of statutes governing the qualifications and processes for annexation of territory by the different classes of Nebraska's cities and villages
Urban Affairs
- LR 195 Interim study of the Community Development Law and tax-increment financing
Urban Affairs
- LR 197 Interim study of the salary structure of parole officers
Appropriations
- LR 198 Interim study to review newborn genetic screening privacy laws
Judiciary
- LR 199 Interim study to examine issues relating to requiring ten-percent ethanol in all gasoline sold in Nebraska

Natural Resources

- LR 200 Interim study to identify, fund, and prioritize core responsibilities of the Health and Human Services System
Health and Human Services
- LR 201 Interim study to conduct a comprehensive review of the committee structure of the standing committees of the Nebraska Legislature
Executive Board
- LR 202 Interim study to provide information on patterns of spending by government agencies
Appropriations
- LR 203 Interim study to review the ability of counties having a population of less than one thousand persons to provide services required under state law
Government, Military and Veterans Affairs
- LR 204 Interim study to examine extracurricular participation by exempt students
Education
- LR 205 Interim study to provide an analysis of Nebraska's compulsory education laws
Education
- LR 206 Interim study of the concept of an "any willing provider" relating to prescription benefit programs
Banking, Commerce and Insurance/Health
- LR 207 Interim study to examine issues permitting cities of the first class to consolidate with cities of the second class or villages
Urban Affairs
- LR 208 Interim study to continue examination of Nebraska's tax structure compared with the past and with other states
Revenue
- LR 209 Interim study to examine issues related to the state lottery
General Affairs
- LR 210 Interim study to examine the importance of living wills
Judiciary
- LR 211 Interim study to examine statutes relating to forfeiture of money and property utilized in the commission of drug crimes
Judiciary

- LR 212 Interim study to examine the public health impact of fetal alcohol spectrum disorders and potential remedies
Health and Human Services
- LR 213 Interim study to examine expanding foster care parent participation in child custody determination hearings
Judiciary
- LR 214 Interim study of issues relating to motor vehicle liability insurance and financial responsibility requirements
Banking, Commerce and Insurance
- LR 215 Interim study to examine issues raised by LB 608 and determine whether mold is a serious issue that affects the health and public safety of citizens
Business and Labor
- LR 216 Interim study to determine possible legislative action to curb unsolicited bulk electronic mail
Transportation and Telecommunications
- LR 217 Interim study to examine the nature of the Legislature's oversight role in reviewing state programs and state initiatives and their effectiveness in the international marketplace
Government, Military and Veterans Affairs
- LR 218 Interim study to determine costs of establishing higher education programs for foreign students
Appropriations
- LR 219 Interim study to examine law regarding providing notice to the public as to the identity and whereabouts of registered sex offenders
Judiciary
- LR 220 Interim study to examine law regarding training of individuals seeking to obtain a law enforcement certificate
Judiciary
- LR 221 Interim study to examine substance abuse treatment services to persons abusing methamphetamine including individuals within the criminal justice system
Judiciary
- LR 222 Interim study to examine programs for providing treatment to terminally ill persons incarcerated within institutions under the control of the Dept. of Correctional Services
Judiciary

LR 225 Interim study to examine issues within the jurisdiction of the Health and Human Services Committee
Health and Human Services

LR 226 Interim study to examine Nebraska's county government structure
Government, Military and Veterans Affairs

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

SELECT FILE

LEGISLATIVE BILL 478. The Cornett pending amendment, AM1690, found on page 1713 and considered in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the Cornett pending amendment:

FA305

Amend AM1690

In line 2 strike "nature" and insert "virtue".

The Chambers amendment was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Senator Chambers offered the following amendment to the Cornett pending amendment:

FA306

Amend AM1690

In line 3 after "information" insert "and who actually handles classified information in performing his or her duties"

Pending.

MOTION - Override Line-Item Veto on LB 425

Senator Kruse offered the following motion:

Override the Governor's line-item vetoes contained in Sections 123 and 126 of LB 425.

Senator Kruse withdrew his motion to override the Governor's line-item veto.

MOTION - Override Line-Item Veto on LB 425

Senator Stuthman offered the following motion:

Override the Governor's line-item veto in Section 117, Health and Human Services - Finance Program 502 - Public Health Aid, for Community Health Centers - of LB 425.

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

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

Senator Stuthman requested a roll call vote, in reverse order, on his motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 20:

Burling	Foley	Kruse	McDonald	Schimek
Byars	Howard	Landis	Pedersen, Dw.	Stuthman
Chambers	Janssen	Langemeier	Preister	Synowiecki
Combs	Johnson	Louden	Price	Thompson

Voting in the negative, 24:

Baker	Engel	Heidemann	Mines	Schrock
Bourne	Erdman	Hudkins	Pahls	Smith
Cornett	Fischer	Jensen	Pederson, D.	Stuhr
Cudaback	Flood	Kopplin	Raikes	Wehrbein
Cunningham	Friend	Kremer	Redfield	

Present and not voting, 5:

Aguilar	Beutler	Brashear	Brown	Connealy
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 425

Senator Stuthman offered the following motion:

Override the Governor's line-item veto in LB 425 of Section 172, Correctional Services, Program 750, County Jail Reimbursement, for County Jail Reimbursement Aid.

Senator Dw. Pedersen moved the previous question. The question is, "Shall

the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

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

Senator Stuthman requested a roll call vote on his motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 19:

Aguilar	Cornett	Janssen	McDonald	Stuthman
Burling	Fischer	Kremer	Pahls	Synowiecki
Byars	Howard	Kruse	Pedersen, Dw.	Wehrbein
Combs	Hudkins	Louden	Stuhr	

Voting in the negative, 23:

Baker	Cunningham	Friend	Langemeier	Schimek
Beutler	Engel	Jensen	Mines	Schrock
Brashear	Erdman	Johnson	Pederson, D.	Smith
Brown	Flood	Kopplin	Raikes	
Chambers	Foley	Landis	Redfield	

Present and not voting, 7:

Bourne	Cudaback	Preister	Thompson
Connealy	Heidemann	Price	

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 13. Placed on Select File as amended.

E & R amendment to LB 13:

AM7115

- 1 1. In the Standing Committee amendments, AM0761:
 - 2 a. On page 26, line 17, strike "16" and insert "23"; and
 - 3 in line 21 strike "19" and insert "26";
 - 4 b. On page 27, line 25, after "court" insert an
 - 5 underscored comma and after "application" insert an underscored

- 6 comma; and
 7 c. On page 30, line 3, strike "16 to 21" and insert "23
 8 to 28".
 9 2. In the Landis amendment, AM1671:
 10 a. On page 14, line 19, after "partnership" insert an
 11 underscored comma;
 12 b. On page 28, line 4, strike the second comma and show
 13 as stricken; and
 14 c. On page 29, line 12, after "sections" insert
 15 "48-106,".
 16 3. On page 1, strike lines 2 through 7 and insert
 17 "48-106, 48-118, 48-120.02, 48-121.02, 48-125, 48-144, 48-144.03,
 18 48-145, 48-145.01, 48-145.02, 48-145.04, 48-146.02, 48-152, 48-155,
 19 48-157, 48-158, 48-159, 48-162, 48-162.01, 48-162.02, 48-163,
 20 48-165, 48-177, 48-188, 48-1,102, 48-1,110, and 48-1,116, Reissue
 21 Revised Statutes of Nebraska; to exempt certain agricultural
 22 workers from coverage; to change provisions relating to court
 23 administration and to provide for the appointment of a court
 24 administrator; to change provisions relating to enforcement of the
 1 Nebraska Workers' Compensation Act, vocational rehabilitation,
 2 awards or judgments against the state, third-party claims and
 3 dismissal of a cause of action, and dispensation of prescription
 4 drugs; to harmonize provisions; to provide operative dates; to
 5 repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 13A. Placed on Select File.

LEGISLATIVE BILL 465. Placed on Select File.

LEGISLATIVE BILL 761. Placed on Select File as amended.

E & R amendment to LB 761:

AM7107

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 43-1302, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 43-1302. (1)(a) Until January 1, 2006, the ~~The~~ State
 6 Foster Care Review Board shall be comprised of nine members to be
 7 appointed by the Governor, subject to confirmation by a majority of
 8 the members elected to the Legislature. At least one member shall
 9 be an attorney with legal expertise in child welfare. Two members
 10 shall be from each of the three congressional districts as they
 11 existed on January 1, 1982. In addition to the six members
 12 representative of the congressional districts, three members shall
 13 be appointed by the Governor from a group consisting of all the
 14 chairpersons of the local boards, and one such chairperson shall be
 15 appointed from each such congressional district. The appointment
 16 of a member of a local board to the state board shall not create a
 17 vacancy on the local board. Members other than those appointed
 18 from the group consisting of all the chairpersons of the local

19 boards shall be appointed to three-year terms, and those members
 20 appointed from the group consisting of all the chairpersons of
 21 local boards shall be appointed to two-year terms. No person shall
 22 serve on the state board for more than six consecutive years. No
 23 person employed by a child-caring agency, a child-placing agency,
 24 or a court shall be appointed to the state board.

1 (b) On and after January 1, 2006, the State Foster Care
 2 Review Board shall be comprised of eleven members appointed by the
 3 Governor with the approval of a majority of the members elected to
 4 the Legislature, consisting of: Three members of local foster care
 5 review boards, one from each congressional district; one
 6 practitioner of pediatric medicine, licensed under the Uniform
 7 Licensing Law; one practitioner of child clinical psychology,
 8 licensed under the Uniform Licensing Law; one social worker
 9 certified under the Uniform Licensing Law, with expertise in the
 10 area of child welfare; one attorney who is or has been a guardian
 11 ad litem; one representative of a statewide child advocacy group;
 12 one director of a child advocacy center; one director of a court
 13 appointed special advocate program; and one member of the public
 14 who has a background in business or finance.

15 The terms of members appointed pursuant to this
 16 subdivision shall be three years, except that of the initial
 17 members of the state board, one-third shall be appointed for terms
 18 of one year, one-third for terms of two years, and one-third for
 19 terms of three years, as determined by the Governor. No person
 20 appointed by the Governor to the state board shall serve more than
 21 two consecutive three-year terms. An appointee to a vacancy
 22 occurring from an unexpired term shall serve out the term of his or
 23 her predecessor. Members whose terms have expired shall continue
 24 to serve until their successors have been appointed and qualified.
 25 Members serving on the state board on December 31, 2005, shall
 26 continue in office until the members appointed under this
 27 subdivision take office. The members of the state board shall, to
 1 the extent possible, represent the three congressional districts
 2 equally.

3 (2) The state board shall select a chairperson,
 4 vice-chairperson, and such other officers as the state board deems
 5 necessary. Members of the state board shall be reimbursed for
 6 their actual and necessary expenses as provided in sections 81-1174
 7 to 81-1177. The state board shall employ or contract for services
 8 from such persons as are necessary to aid it in carrying out its
 9 duties.

10 Sec. 2. Original section 43-1302, Reissue Revised
 11 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 761A. Placed on Select File.

LEGISLATIVE BILL 227. Placed on Select File as amended.
 E & R amendment to LB 227:

AM7108

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 12-1301, Revised Statutes
4 Supplement, 2004, is amended to read:
5 12-1301. (1) The Director of Veterans' Affairs may
6 establish and operate a state veteran cemetery system consisting of
7 a facility in Box Butte County, a facility in Sarpy County, and the
8 Nebraska Veterans' Memorial Cemetery in Hall County. The director
9 may seek and expend private, state, and federal funds for the
10 establishment, construction, maintenance, administration, and
11 operation of the cemetery system as provided in this section. Any
12 gift, bequest, or devise of real property for the cemetery system
13 shall be subject to the approval requirements of section 81-1108.33
14 notwithstanding the value of the real property. All funds received
15 for the construction of the cemetery system shall be remitted to
16 the ~~state treasurer~~ State Treasurer for credit to the Veteran
17 Cemetery Construction Fund. No revenue from the General Fund shall
18 be remitted to the Veteran Cemetery Construction Fund for use in
19 the construction of the state veteran cemetery system. Any funds
20 remaining in the Veteran Cemetery Construction Fund following the
21 completion of construction of the three facilities comprising the
22 state veteran cemetery system shall upon such completion be
23 transferred to the Nebraska Veteran Cemetery System Endowment Fund,
24 and the Veteran Cemetery Construction Fund shall thereafter
1 terminate.
2 (2)(a) A trust fund to be known as the Nebraska Veteran
3 Cemetery System Endowment Fund is hereby created. The fund shall
4 consist of:
5 (i) Gifts, bequests, grants, or contributions from
6 private or public sources designated for the maintenance,
7 administration, or operation of the state veteran cemetery system;
8 (ii) Any funds transferred from the Veteran Cemetery
9 Construction Fund following the completion of construction of the
10 three facilities comprising the state veteran cemetery system; and
11 (iii) Following the termination of the Veteran Cemetery
12 Construction Fund, any funds received by the state from any source
13 for the state veteran cemetery system.
14 (b) No revenue from the General Fund shall be remitted to
15 the Nebraska Veteran Cemetery System Endowment Fund. The
16 Legislature shall not appropriate or transfer money from the
17 Nebraska Veteran Cemetery System Endowment Fund for any purpose
18 other than as provided in this section. Any money in the Nebraska
19 Veteran Cemetery System Endowment Fund available for investment
20 shall be invested by the state investment officer pursuant to the
21 Nebraska Capital Expansion Act and the Nebraska State Funds
22 Investment Act. ~~Only the earnings of the Nebraska Veteran Cemetery~~
23 ~~System Endowment Fund may be used as provided in subsection (3) of~~
24 ~~this section.~~ No portion of the principal of the Nebraska Veteran

25 Cemetery System Endowment Fund shall be expended for any purpose
 26 except investment pursuant to this subdivision. All investment
 27 earnings from the Nebraska Veteran Cemetery System Endowment Fund
 1 shall be credited on a quarterly basis to the Nebraska Veteran
 2 Cemetery System Operation Fund.

3 (3) There is hereby created the Nebraska Veteran Cemetery
 4 System Operation Fund. Money in the fund shall be used for the
 5 operation, administration, and maintenance of the state veteran
 6 cemetery system. Any money in the fund available for investment
 7 shall be invested by the state investment officer pursuant to the
 8 Nebraska Capital Expansion Act and the Nebraska State Funds
 9 Investment Act. ~~No revenue from the General Fund shall be remitted~~
 10 ~~to the Nebraska Veteran Cemetery System Operation Fund.~~

11 (4) The director may make formal application to the
 12 federal government regarding federal financial assistance for the
 13 construction of any of the facilities comprising the state veteran
 14 cemetery system which is located in a county with a population of
 15 less than one hundred thousand persons when he or she determines
 16 that the requirements for such assistance have been met.

17 (5) The director may make formal application to the
 18 federal government regarding financial assistance for the
 19 construction of any facility comprising a portion of the state
 20 veteran cemetery system located in a county with a population of
 21 more than one hundred thousand persons when sufficient funds have
 22 been remitted to the Nebraska Veteran Cemetery System Endowment
 23 Fund such that (a) the projected annual earnings from such fund
 24 available for transfer to the Nebraska Veteran Cemetery System
 25 Operation Fund ~~in each of the next succeeding five years~~ plus (b)
 26 the projected annual value of formal agreements that have been
 27 entered into between the state and any political subdivisions or
 1 private entities to subsidize or undertake the operation,
 2 administration, or maintenance of any of the facilities within the
 3 state veteran cemetery system, has a value that is ~~equal to or~~
 4 ~~exceeds one hundred twenty-five percent of the projected annual~~
 5 ~~cost of sufficient to fund the operation, administration, and~~
 6 ~~maintenance of the three facilities comprising the state veteran~~
 7 ~~cemetery system in each of the succeeding five years~~ any cemetery
 8 created pursuant to this subsection.

9 (6) The director may expend such funds as may be
 10 available for any of the purposes authorized in this section.

11 (7) The director, with the approval of the Governor, may
 12 enter into agreements for cemetery construction, administration,
 13 operation, or maintenance with qualified persons, political
 14 subdivisions, or business entities. The director shall provide
 15 lots in the cemetery system for the interment of deceased veterans
 16 with an honorable discharge or its equivalent and their spouses,
 17 minor children, and unmarried adult children who were physically or
 18 mentally disabled and incapable of self-support. Section 12-501
 19 does not apply to the state veteran cemetery system.

20 (8) The Veteran Cemetery Construction Fund is created.
 21 Any money in the fund available for investment shall be invested by
 22 the state investment officer pursuant to the Nebraska Capital
 23 Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~
 24 ~~money in the Veteran Cemetery Maintenance Fund on July 16, 2004,~~
 25 ~~shall be transferred to the Veteran Cemetery Construction Fund.~~
 26 (9) The Nebraska Veterans Cemetery Advisory Board is
 27 created. The board shall consist of seven members. One member
 1 shall be the director who shall serve as the chairperson of the
 2 board. Three members of the board shall be veterans appointed by
 3 the Governor from a list of candidates forwarded by the county
 4 board of each county within which a state veteran cemetery system
 5 facility is located. Three members with experience in cemetery
 6 administration or operation, one from each congressional district,
 7 shall be appointed by the Governor. The members of the board shall
 8 receive no compensation but shall be reimbursed for their actual
 9 and necessary expenses in the discharge of their duties as provided
 10 in sections 81-1174 to 81-1177. The board shall meet from time to
 11 time as requested by the director to review the status of the state
 12 veteran cemetery system, to recommend actions to facilitate the
 13 development of the system, to assist in fundraising from public or
 14 private sources for the construction, operation, administration,
 15 and maintenance of the system, and to advise the director on the
 16 most appropriate actions for the state to undertake in the
 17 development of the system and the priorities for action.
 18 (10) The director may adopt and promulgate rules and
 19 regulations to carry out this section. The rules and regulations
 20 shall include requirements for proof of residency, cost of burial
 21 if any, and standards for cemeteries, including decorations and
 22 headstones.
 23 Sec. 2. Original section 12-1301, Revised Statutes
 24 Supplement, 2004, is repealed.".

LEGISLATIVE BILL 256. Placed on Select File as amended.
 E & R amendment to LB 256:
 AM7110

- 1 1. On page 6, line 4, strike "the Nurse Practice Act
- 2 or"; and in line 5 after "Act" insert "or the Nurse Practice Act".

LEGISLATIVE BILL 256A. Placed on Select File.

LEGISLATIVE BILL 693. Placed on Select File as amended.
 E & R amendment to LB 693:
 AM7113

- 1 1. On page 15, line 15, after the semicolon insert
- 2 "and"; and in line 17 strike the semicolon and insert an
- 3 underscored period.
- 4 2. On page 20, line 5, strike "consortiums" and insert
- 5 "consortia"; and in line 6 after the semicolon insert "and".

LEGISLATIVE BILL 557. Placed on Select File as amended.
E & R amendment to LB 557:

AM7111

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 81-1258, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1258. ~~(1) Except as provided in subsection (2) of~~
- 6 ~~this section, none of the proceeds from the taxes provided by the~~
- 7 ~~Nebraska Visitors Development Act shall be used for any type of~~
- 8 ~~capital construction.~~
- 9 ~~(2)~~ (1)(a) The County Visitors Improvement Fund shall be
- 10 administered by the governing body of the county with the advice of
- 11 the visitors committee created in section 81-1255. The fund shall
- 12 be used to make grants for expanding and improving facilities at
- 13 any existing visitor attraction, acquiring or expanding exhibits
- 14 for existing visitor attractions, constructing visitor attractions,
- 15 or planning or developing such expansions, improvements, or
- 16 additions construction.
- 17 (b) Grants shall be available for any visitor attraction
- 18 in the county owned by the public or any nonprofit organization,
- 19 the primary purpose of which is to operate the visitor attraction,
- 20 except that grants shall not be available for any visitor
- 21 attraction where parimutuel wagering is conducted.
- 22 (c) Grants may be made for a specified annual amount not
- 23 to exceed the proceeds derived from a sales tax rate of one percent
- 24 imposed by a county for a County Visitors Improvement Fund for a
- 1 term of years not to exceed twenty years and may be pledged by the
- 2 recipient to secure bonds issued to finance expansion, improvement,
- 3 or construction of a visitor attraction. Any grant made for a term
- 4 of years shall be funded each year in accordance with any agreement
- 5 contained in the grant contract.
- 6 (d) No bonds issued by a grant recipient which pledges
- 7 grant funds shall constitute a debt, liability, or general
- 8 obligation of the county levying the tax or a pledge of the faith
- 9 and credit of the county levying the tax but shall be payable
- 10 solely from grant funds. Each bond issued by any grant recipient
- 11 which pledges grant funds shall contain on the face thereof a
- 12 statement that neither the faith and credit nor the taxing power of
- 13 the county levying the tax is pledged to the payment of the
- 14 principal of or the interest on such bond.
- 15 ~~(3)~~ (2) For purposes of this section and section 81-1255,
- 16 visitor attraction ~~shall mean~~ means a defined location open to the
- 17 public, which location is of educational, cultural, historical,
- 18 artistic, or recreational significance or provides entertainment or
- 19 in which are exhibits, displays, or performances of educational,
- 20 cultural, historic, artistic, or entertainment value.
- 21 Sec. 2. Original section 81-1258, Reissue Revised

22 Statutes of Nebraska, is repealed."

23 2. On page 1, strike beginning with the first comma in
24 line 3 through "2004" in line 4; and in line 6 strike "sections"
25 and insert "section".

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendment to LB 573:
AM7114

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 2-1203, Revised Statutes Supplement,
4 2004, is amended to read:
5 2-1203. The State Racing Commission shall have power to
6 prescribe and enforce rules and regulations governing horseraces
7 and race meetings licensed as provided in sections 2-1201 to
8 2-1242. Such rules and regulations shall contain criteria to be
9 used by the commission for decisions on approving and revoking
10 track licenses and licenses for telercing facilities and
11 telephonic wagering and setting racing dates.
12 The commission may revoke or suspend licenses issued to
13 racing industry participants and may, in lieu of or in addition to
14 such suspension or revocation, impose a fine in an amount not to
15 exceed ~~one~~ five thousand dollars upon a finding that a rule or
16 regulation has been violated by a licensed racing industry
17 participant. The exact amount of the fine shall be proportional to
18 the seriousness of the violation and the extent to which the
19 licensee derived financial gain as a result of the violation. ~~All~~
20 ~~finer collected under this section shall be remitted to the State~~
21 ~~Treasurer to be disposed of in accordance with Article VII, section~~
22 ~~5, of the Constitution of Nebraska.~~
23 The commission may delegate to a board of stewards such
24 of the commission's powers and duties as may be necessary to carry
1 out and effectuate the purposes of sections 2-1201 to 2-1242.
2 Any decision or action of such board of stewards may be
3 appealed to the commission or may be reviewed by the commission on
4 its own initiative. The board of stewards may impose a fine not to
5 exceed fifteen hundred dollars upon a finding that a rule or
6 regulation has been violated.
7 The commission shall remit administrative fines collected
8 under this section to the State Treasurer for distribution in
9 accordance with Article VII, section 5, of the Constitution of
10 Nebraska.
11 Sec. 2. Section 2-1207, Reissue Revised Statutes of
12 Nebraska, is amended to read:
13 2-1207. (1) Within the enclosure of any racetrack where
14 a race or race meeting licensed and conducted under sections 2-1201
15 to 2-1218 is held or at a racetrack licensed to simulcast races or
16 conduct interstate simulcasting, the parimutuel method or system of
17 wagering on the results of the respective races may be used and

18 conducted by the licensee. Wagers placed through licensed
19 teleracing facilities or by approved telephonic wagering as
20 authorized by sections 2-1230 to 2-1242 shall be deemed to be
21 wagers placed and accepted within the enclosure of any racetrack.
22 Under such system, the licensee may receive wagers of money from
23 any person present at such race or racetrack receiving the
24 simulcast race or conducting interstate simulcasting or placed
25 through a licensed teleracing facility or by approved telephonic
26 wagering by any person who may legally wager on any horse in a race
27 selected by such person to run first in such race, and the person
1 so wagering shall acquire an interest in the total money so wagered
2 on all horses in such race as first winners in proportion to the
3 amount of money wagered by him or her. Such licensee shall issue
4 to each person so wagering a certificate on which shall be shown
5 the number of the race, the amount wagered, and the number or name
6 of the horse selected by such person as first winner. As each race
7 is run, at the option of the licensee, the licensee may deduct from
8 the total sum wagered on all horses as first winners not less than
9 fifteen percent or more than eighteen percent from such total sum,
10 plus the odd cents of the redistribution over the next lower
11 multiple of ten. At the option of the licensee, the licensee may
12 deduct up to and including ~~twenty-four~~ ~~twenty-five~~ percent from the
13 total sum wagered by exotic wagers as defined in section 2-1208.03.
14 The State Racing Commission may authorize other levels of deduction
15 on wagers conducted by means of interstate simulcasting. ~~Each~~
16 ~~licensed racetrack shall increase the amount of deduction from the~~
17 ~~total sum wagered by exotic wagers by one percent over the amount~~
18 ~~deducted by that licensee in 1993.~~ The licensee shall notify the
19 commission in writing of the percentages the licensee intends to
20 deduct during the live race meet conducted by the licensee and
21 shall notify the commission at least one week in advance of any
22 changes to such percentages the licensee intends to make. The
23 licensee shall also deduct from the total sum wagered by exotic
24 wagers, if any, the tax plus the odd cents of the redistribution
25 over the next multiple of ten as provided in subsection (1) of
26 section 2-1208.04. The balance remaining on hand shall be paid out
27 to the holders of certificates on the winning horse in the
1 proportion that the amount wagered by each certificate holder bears
2 to the total amount wagered on all horses in such race to run
3 first. The licensee may likewise receive such wagers on horses
4 selected to run second, third, or both, or in such combinations as
5 the commission may authorize, the method, procedure, and authority
6 and right of the licensee, as well as the deduction allowed to the
7 licensee, to be as specified with respect to wagers upon horses
8 selected to run first.

9 (2) At all race meets held pursuant to this section, the
10 licensee shall deduct from the total sum wagered one-third of the
11 amount over fifteen percent deducted pursuant to subsection (1) of
12 this section on wagers on horses selected to run first, second, or

13 third and one percent of all exotic wagers to be used to promote
 14 agriculture and horse breeding in Nebraska and for the support and
 15 preservation of horseracing pursuant to section 2-1207.01.

16 (3) No person under nineteen years of age shall be
 17 permitted to make any parimutuel wager, and there shall be no
 18 wagering except under the parimutuel method outlined in this
 19 section. Any person, association, or corporation who knowingly
 20 aids or abets a person under nineteen years of age in making a
 21 parimutuel wager shall be guilty of a Class IV misdemeanor.

22 Sec. 3. Section 2-1208, Revised Statutes Supplement,
 23 2004, is amended to read:

24 2-1208. For all race meetings, every corporation or
 25 association licensed under the provisions of sections 2-1201 to
 26 2-1218 shall pay the tax imposed by section 2-1208.01 and shall
 27 also pay to the State Racing Commission the sum of ~~four tenths~~
 1 sixty-four one hundredths of one percent of the gross sum wagered
 2 by the parimutuel method at each licensed racetrack enclosure
 3 during the calendar year. For race meetings devoted principally to
 4 running live races, the licensee shall pay to the commission the
 5 sum of fifty dollars for each live racing day that the licensee
 6 serves as the host track for intrastate simulcasting and
 7 twenty-five dollars for any other live racing day.

8 No other license tax, permit tax, occupation tax, or
 9 excise tax or racing fee, except as provided in this section and in
 10 sections 2-1203, 2-1208.01, and 2-1242, shall be levied, assessed,
 11 or collected from any such licensee by the state or by any county,
 12 township, district, city, village, or other governmental
 13 subdivision or body having power to levy, assess, or collect any
 14 such tax or fee.

15 Sec. 4. Section 2-1213, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 2-1213. ~~(+)~~ (1)(a) No racing under sections 2-1201 to
 18 2-1218 shall be permitted on Sunday except when approved by a
 19 majority of the members of the State Racing Commission upon
 20 application for approval by any racetrack. Such approval shall be
 21 given after the commission has considered: ~~(+)~~ (i) Whether Sunday
 22 racing at the applicant track will tend to promote and encourage
 23 agriculture and horse breeding in Nebraska; ~~(+)~~ (ii) whether the
 24 applicant track operates under a license granted by the commission;
 25 ~~(+)~~ (iii) whether the applicant track is in compliance with all
 26 applicable health, safety, fire, and police rules and regulations
 27 or ordinances; ~~(+)~~ (iv) whether the denial of Sunday racing at the
 1 applicant track would impair such track's economic ability to
 2 continue to function under its license; and ~~(+)~~ (v) whether the
 3 record of the public hearing held on the issue of Sunday racing at
 4 the applicant track shows reasonable public support. Notice of
 5 such public hearing shall be given at least ten days prior thereto
 6 by publication in a newspaper having general circulation in the
 7 county in which the applicant track is operating, and the

8 commission shall conduct a public hearing in such county. The
9 commission may adopt, promulgate, and enforce rules and regulations
10 governing the application and approval for Sunday racing in
11 addition to its powers in section 2-1203. If the commission
12 permits racing on Sunday, the voters may prohibit such racing in
13 the manner prescribed in section 2-1213.01. If approval by the
14 commission for Sunday racing at the applicant track is granted, no
15 racing shall occur on Sunday until after 1 p.m.

16 (b) No license shall be granted for racing on more than
17 one racetrack in any one county, except that the commission may, in
18 its discretion, grant a license to any county agricultural society
19 to conduct racing during its county fair notwithstanding a license
20 may have been issued for racing on another track in such county.

21 (c) Since the purpose of sections 2-1201 to 2-1218 is to
22 encourage agriculture and horse breeding in Nebraska, every
23 licensee shall hold at least one race on each racing day limited to
24 Nebraska-bred horses, including thoroughbreds or quarter horses.
25 Three percent of the first money of every purse won by a
26 Nebraska-bred horse shall be paid to the breeder of such horse.

27 Beginning September 1, 2005, through January 1, 2008, each licensee
1 who holds a license for quarter horseracing shall, for each live
2 racing day, give preference to Nebraska-bred quarter horses in at
3 least one race in lieu of the requirements of this subdivision.

4 (2) For purposes of this section, Nebraska-bred horse
5 shall mean a horse registered with the Nebraska Thoroughbred or
6 Quarter Horse Registry and meeting the following requirements: (a)
7 It shall have been foaled in Nebraska; (b) its dam shall have been
8 registered, prior to foaling, with the Nebraska Thoroughbred or
9 Quarter Horse Registry; and (c) its dam shall have been
10 continuously in Nebraska for ninety days immediately prior to
11 foaling, except that such ninety-day period may be reduced to
12 thirty days in the case of a mare in foal which is purchased at a
13 nationally recognized thoroughbred or quarter horse blood stock
14 sale, the name and pedigree of the mare being listed in the sale
15 catalog, and which is brought into this state and remains in this
16 state for thirty days immediately prior to foaling.

17 The requirement that a dam shall be continuously in
18 Nebraska for either ninety days or thirty days, as specified in
19 subdivision (2)(c) of this section, shall not apply to a dam which
20 is taken outside of Nebraska to be placed for sale at a nationally
21 recognized thoroughbred or quarter horse blood stock sale, the name
22 and pedigree of the mare being listed in the sale catalog, or for
23 the treatment of an extreme sickness or injury, if written notice
24 of such proposed sale or treatment is provided to the secretary of
25 the commission within three days of the date such horse is taken
26 out of the state.

27 The commission may designate official registrars for the
1 purpose of registration and to certify the eligibility of
2 Nebraska-bred horses. An official registrar shall perform such

3 duties in accordance with policies and procedures adopted and
4 promulgated by the commission in the current rules and regulations
5 of the commission. The commission may authorize the official
6 registrar to collect specific fees as would reasonably compensate
7 the registrar for expenses incurred in connection with registration
8 of Nebraska-bred horses. The amount of such fee or fees shall be
9 established by the commission and shall not be changed without
10 commission approval. Fees shall not exceed one hundred dollars per
11 horse.

12 Any decision or action taken by the official registrar
13 shall be subject to review by the commission or may be taken up by
14 the commission on its own initiative.

15 Sec. 5. Original sections 2-1207 and 2-1213, Reissue
16 Revised Statutes of Nebraska, and sections 2-1203 and 2-1208,
17 Revised Statutes Supplement, 2004, are repealed.

18 Sec. 6. Since an emergency exists, this act takes effect
19 when passed and approved according to law."

20 2. On page 1, line 1, strike "section 2-1207" and insert
21 "sections 2-1207 and 2-1213".

LEGISLATIVE BILL 343. Placed on Select File as amended.

(E & R amendment, AM7109, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB 70:

(Amendment, AM1739, is printed separately and available in the Bill Room, Room 1104.)

MOTION - Override Line-Item Veto on LB 425

Senator Thompson offered the following motion:

Override the Governor's line-item veto contained in the following sections of LB 425: Section 102, Health and Human Services-Services, Program 39-Protection and Safety of Children, for Child Advocacy Centers.

Senator Thompson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Thompson requested a roll call vote on her motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 16:

Aguilar	Howard	McDonald	Stuthman
Byars	Jensen	Price	Synowiecki
Chambers	Kruse	Schimek	Thompson
Connealy	Landis	Schrock	Wehrbein

Voting in the negative, 15:

Baker	Cunningham	Flood	Kopplin	Mines
Bourne	Erdman	Friend	Kremer	Raikes
Burling	Fischer	Hudkins	Langemeier	Smith

Present and not voting, 17:

Beutler	Cornett	Heidemann	Pahls	Stuhr
Brashear	Cudaback	Janssen	Pederson, D.	
Brown	Engel	Johnson	Preister	
Combs	Foley	Louden	Redfield	

Excused and not voting, 1:

Pedersen, Dw.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 66 with 31 ayes, 3 nays, 14 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Revised Statutes Supplement, 2004; to provide for special valuation of historically significant real property; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 1:

Pedersen, Dw.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 66A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 66, Ninety-ninth Legislature, First Session, 2005.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Brashear Louden Synowiecki

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 29-212 to 29-214, Reissue Revised Statutes of Nebraska; to establish the Missing Persons Information Clearinghouse; to provide powers and duties for the patrol and local law enforcement agencies; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Kopplin

Excused and not voting, 1:

Pedersen, Dw.

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

declared passed and the title agreed to.

LEGISLATIVE BILL 111A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 111, Ninety-ninth Legislature, First Session, 2005.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 117 with 40 ayes, 3 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-401, 28-401.01, 28-416, 28-450, and 28-456, Revised Statutes Supplement, 2004; to redefine a term; to change penalties for certain drug offenses; to change provisions and penalties relating to ephedrine, pseudoephedrine, and phenylpropanolamine; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Chambers Louden

Present and not voting, 2:

Burling Pederson, D.

Excused and not voting, 1:

Pedersen, Dw.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 206. With Emergency.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1212.01, Reissue Revised Statutes of Nebraska; to adopt the Developmental Disabilities Court-Ordered Custody Act; to change provisions relating to an advisory committee; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 334.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-202, 13-204, and 13-208, Reissue Revised Statutes of Nebraska, and sections 13-206 and 13-207, Revised Statutes Supplement, 2004; to change tax credit provisions of the Community Development Assistance Act; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Beutler Burling Kopplin

Excused and not voting, 1:

Pedersen, Dw.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 364 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 364. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-974, 79-978, 79-990, 79-991, 79-992, and 79-9,101, Reissue Revised Statutes of Nebraska, sections 23-2308, 23-2308.01, 23-2310.04, 23-2319.01, 24-702, 24-703, 81-2018, 84-1309.02, 84-1314, 84-1321.01, 84-1501, and 84-1503.03, Revised Statutes Supplement, 2004, sections 79-902 and 79-906, Reissue Revised Statutes of Nebraska, as amended by sections 8 and 9, respectively, Legislative Bill 503, Ninety-ninth Legislature, First Session, 2005, and section 23-2310.05, Revised Statutes Supplement, 2004, as amended by section 2, Legislative Bill 503, Ninety-ninth Legislature, First Session, 2005; to change provisions relating to the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, the State Employees Retirement Act, and the Public Employees Retirement Board; to create and eliminate funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 84-1514, Revised Statutes Supplement, 2004; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 499. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101.01, Reissue Revised Statutes of Nebraska; to change calculations and eliminate provisions related to estate tax; to repeal the original section; to outright repeal section 77-2103, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Beutler Foley Mines

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 546.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Opportunity Zone Act; to create the Nebraska Innovation Zone Commission; to provide powers and duties; and to provide a termination date.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Chambers Louden Preister Synowiecki

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 546A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 546, Ninety-ninth

Legislature, First Session, 2005.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Heidemann	Preister
Fischer	Louden	Synowiecki

Excused and not voting, 1:

Pedersen, Dw.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 566 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 566.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-103, 32-203, 32-301, 32-306, 32-308 to 32-310, 32-312, 32-314, 32-315, 32-318 to 32-326, 32-328, 32-329, 32-554, 32-901, 32-908, 32-909, 32-914, 32-914.01, 32-914.02, 32-916, 32-921, and 32-1002, Reissue Revised Statutes of Nebraska, section 32-915, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 401, Ninety-ninth Legislature, First Session, 2005, and sections 32-938 to 32-943, 32-945 to 32-951, 32-1027, and 32-1502, Reissue Revised Statutes of Nebraska, as amended

by sections 10 to 15, 17 to 23, 26, and 30, respectively, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005; to provide powers and duties and change and eliminate provisions relating to registration of voters and the conduct of elections; to change requirements for elections in certain political subdivisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-304 and 32-915.02, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 664. With Emergency.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-409, Revised Statutes Supplement, 2004; to redefine critical access hospital; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 664A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 664, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to state constitutional officers; to amend section 75-104, Reissue Revised Statutes of Nebraska, and sections 84-101.01, 84-201.01, and 84-721, Revised Statutes Supplement, 2004; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 38:

Aguilar	Connealy	Hudkins	Louden	Schrock
Baker	Cornett	Janssen	McDonald	Smith
Bourne	Cudaback	Jensen	Mines	Stuhr
Brashear	Cunningham	Johnson	Pahls	Stuthman
Burling	Engel	Kopplin	Pederson, D.	Synowiecki
Byars	Fischer	Kremer	Price	Thompson
Chambers	Flood	Kruse	Raikes	
Combs	Heidemann	Landis	Schimek	

Voting in the negative, 5:

Beutler	Erdman	Langemeier	Redfield	Wehrbein
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Present and not voting, 5:

Brown	Foley	Friend	Howard	Preister
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Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 683A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 683, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Aguilar	Connealy	Hudkins	McDonald	Smith
Baker	Cornett	Janssen	Mines	Stuhr
Bourne	Cudaback	Jensen	Pahls	Stuthman
Brashear	Cunningham	Johnson	Pederson, D.	Synowiecki
Burling	Engel	Kopplin	Price	Thompson
Byars	Fischer	Kremer	Raikes	
Chambers	Flood	Kruse	Schimek	
Combs	Heidemann	Landis	Schrock	

Voting in the negative, 5:

Beutler	Erdman	Howard	Langemeier	Redfield
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Present and not voting, 6:

Brown	Friend	Preister
Foley	Louden	Wehrbein

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 689. With Emergency.

A BILL FOR AN ACT relating to schools; to create and provide duties for the Distance Education Enhancement Task Force; to provide for termination; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 689A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 689, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen, Dw.

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

LEGISLATIVE BILL 753. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2004; to redefine gross receipts from construction services provided by a public utility; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Pedersen, Dw.

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

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 66, 66A, 111, 111A, 117, 206, 334, 364, 499, 546, 546A, 566, 664, 664A, 683, 683A, 689, 689A, and 753.

COMMUNICATION

May 25, 2005

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Heineman of LB 425e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

PJO:jk

AMENDMENT - Print in Journal

Senator Connealy filed the following amendment to LB 645:
AM1744

(Amendments to the Brashear, et al. amendment, AM1334)

- 1 1. On page 2, line 6, strike "or wholesale".
- 2 2. On page 3, strike lines 6 through 9; and in line 10
- 3 strike "(3)" and insert "(2)".

VISITORS

Visitors to the Chamber were Lori Brunner Buck from Omaha; and 16 fourth-grade students and sponsors from Zion Lutheran School, Kearney.

ADJOURNMENT

At 5:56 p.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Thursday, May 26, 2005.

Patrick J. O'Donnell
Clerk of the Legislature