

**TWENTY-SIXTH DAY - FEBRUARY 13, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 13, 2006

**PRAYER**

The prayer was offered by Pastor Robert Arnold, Southview Christian Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Heidemann, Landis, Price, and Redfield who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 996.** Placed on Select File as amended.  
E & R amendment to LB 996:  
AM7159

- 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 Supplement,
- 4 2005, is amended to read:
- 5 12-1301 (1) The Director of Veterans' Affairs may
- 6 establish and operate a state veteran cemetery system consisting
- 7 of a facility in Box Butte County, a facility in Sarpy County,
- 8 and the Nebraska Veterans' Memorial Cemetery in Hall County. The
- 9 director may seek and expend private, state, and federal funds for
- 10 the 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 for credit to the Veteran Cemetery Construction  
17 Fund. ~~No revenue from the General Fund shall be remitted to the~~  
18 ~~Veteran Cemetery Construction Fund for use in the construction~~  
19 ~~of the state veteran cemetery system.~~ Any funds remaining in the  
20 Veteran Cemetery Construction Fund following the completion of  
21 construction of the three facilities comprising the state veteran  
22 cemetery system shall upon such completion be transferred to the  
23 Nebraska Veteran Cemetery System Endowment Fund, and the Veteran  
1 Cemetery Construction Fund shall thereafter 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  
15 to 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  
21 the Nebraska Capital Expansion Act and the Nebraska State Funds  
22 Investment Act. No portion of the principal of the Nebraska Veteran  
23 Cemetery System Endowment Fund shall be expended for any purpose  
24 except investment pursuant to this subdivision. All investment  
25 earnings from the Nebraska Veteran Cemetery System Endowment Fund  
26 shall be credited on a quarterly basis to the Nebraska Veteran  
27 Cemetery System Operation Fund.

1 (3) There is hereby created the Nebraska Veteran Cemetery  
2 System Operation Fund. Money in the fund shall be used for the  
3 operation, administration, and maintenance of the state veteran  
4 cemetery system. Any money in the fund available for investment  
5 shall be invested by the state investment officer pursuant to  
6 the Nebraska Capital Expansion Act and the Nebraska State Funds  
7 Investment Act.

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

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

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

4 (7) The director, with the approval of the Governor, may  
5 enter into agreements for cemetery construction, administration,  
6 operation, or maintenance with qualified persons, political  
7 subdivisions, or business entities. The director shall provide  
8 lots in the cemetery system for the interment of deceased veterans  
9 as defined by the National Cemetery Administration of the United  
10 States Department of Veterans Affairs. The director shall provide  
11 lots for the interment of those veterans' spouses, minor children,  
12 and unmarried adult children who were physically or mentally  
13 disabled and incapable of self-support. Section 12-501 does not  
14 apply to the state veteran cemetery system.

15 (8) The Veteran Cemetery Construction Fund is created.  
16 Any money in the fund available for investment shall be invested  
17 by the state investment officer pursuant to the Nebraska Capital  
18 Expansion Act and the Nebraska State Funds Investment Act.

19 (9) The Nebraska Veterans Cemetery Advisory Board is  
20 created. The board shall consist of seven members. One member  
21 shall be the director who shall serve as the chairperson of the  
22 board. Three members of the board shall be veterans appointed by  
23 the Governor from a list of candidates forwarded by the county  
24 board of each county within which a state veteran cemetery system  
25 facility is located. Three members with experience in cemetery  
26 administration or operation, one from each congressional district,  
27 shall be appointed by the Governor. The members of the board shall  
1 receive no compensation but shall be reimbursed for their actual  
2 and necessary expenses in the discharge of their duties as provided  
3 in sections 81-1174 to 81-1177. The board shall meet from time  
4 to time as requested by the director to review the status of the  
5 state veteran cemetery system, to recommend actions to facilitate  
6 the development of the system, to assist in fundraising from public  
7 or private sources for the construction, operation, administration,  
8 and maintenance of the system, and to advise the director on

9 the most appropriate actions for the state to undertake in the  
10 development of the system and the priorities for action.

11 (10) The director may adopt and promulgate rules and  
12 regulations to carry out this section. The rules and regulations  
13 shall include requirements for proof of residency, cost of burial  
14 if any, and standards for cemeteries, including decorations and  
15 headstones.

16 Sec. 2. Original section 12-1301, Revised Statutes  
17 Supplement, 2005, is repealed.

18 2. On page 1, line 3, strike "modify" and insert  
19 "eliminate" and strike "Fund money" and insert "Funds".

### Correctly Engrossed

The following bills were correctly engrossed: LBs 366, 875, and 876.

ER9063

#### Enrollment and Review Change to LB 875

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7139:

a. On page 22, line 10, "10 to 16" has been struck and "13 to 19" inserted; and

b. On page 29, line 8, "15" has been struck and "18" inserted; in line 11 "20" has been struck and "23" inserted; in line 13 "and 18" has been struck and "17, 18, 19, and 21" inserted; in line 16 "44-3522, 44-3523," has been inserted after the first comma; and in line 18 "section 44-3,157" has been struck and "sections 44-3,157 and 44-3521" inserted.

2. On page 1, line 2, "44-3522, 44-3523," has been inserted before "44-4902"; in line 4 "section 44-3,157" has been struck and "sections 44-3,157 and 44-3521" inserted; and in line 6 "motor vehicle service contracts," has been inserted before "the".

ER9062

#### Enrollment and Review Change to LB 876

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7150:

a. On page 10, line 27, "11" has been struck and "18" inserted;

b. On page 11, line 1, "12" has been struck and "19" inserted;

c. On page 18, line 18, "25" has been struck and "32" inserted;

d. On page 39, line 27, the matter beginning with "7" through the last comma has been struck and "2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 38" inserted; and

e. On page 40, line 1, the matter beginning with "17" through "31" has been struck; and in line 26 "to adopt the Financial Data Protection and

Consumer Notification of Data Security Breach Act of 2006;" has been inserted after the semicolon.

(Signed) Michael J. Flood, Chairperson

### AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 776:  
AM2245

(Amendments to Standing Committee amendments, AM1951)

- 1 1. Insert the following sections:
- 2 Section 1. Section 13-2034, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-2034 The council shall adopt and promulgate rules and
- 5 regulations which shall include the following:
- 6 (1) A permit program for facilities providing for permits
- 7 to be issued to owners and operators and procedures for the
- 8 issuance, renewal, suspension, denial, revocation, modification,
- 9 and major modification, as defined by the council, of permits;
- 10 (2) Requirements for the collection, source separation,
- 11 storage, transportation, transfer, processing, recycling, resource
- 12 recovery, treatment, and disposal of solid wastes as well as
- 13 developmental and operational plans for facilities. Regulations
- 14 concerning operations may include waste characterization,
- 15 composition, and source identification, site improvements, air and
- 16 methane gas monitoring, ground water and surface water monitoring,
- 17 daily cover, insect and rodent control, salvage operations, waste
- 18 tire disposal, safety and restricted access, inspection of loads
- 19 and any other necessary inspection or verification requirements,
- 20 reporting of monitoring analysis, record-keeping requirements and
- 21 other reporting requirements, handling and disposal of wastes
- 22 with special characteristics, and any other operational criteria,
- 1 location criteria, or design criteria necessary to minimize
- 2 environmental and health risks and to provide protection of the
- 3 air, land, and waters of the state; and
- 4 (3) Requirements for closure, postclosure care and
- 5 monitoring, and investigative and corrective action with respect
- 6 to landfills. Such rules and regulations shall require financial
- 7 assurance for such activities after April 9, 1996. Such rules and
- 8 regulations shall impose any necessary requirements upon owners
- 9 or operators in order to assure proper closure, care, monitoring,
- 10 and investigative and corrective action with respect to landfills
- 11 to minimize the need for future maintenance and eliminate, to the
- 12 extent necessary to protect humans, animals, and the environment,
- 13 releases or the threat of releases of contaminants or leachate.
- 14 Sec. 2. Section 13-2036, Reissue Revised Statutes of
- 15 Nebraska, is amended to read:
- 16 13-2036 (1) ~~The department shall review applications for~~
- 17 ~~permits for facilities and provide for the issuance, modification,~~

18 ~~suspension, denial, or revocation of permits after public notice.~~  
 19 Applications for permits for facilities shall be on forms provided  
 20 by the department which solicit information necessary to make a  
 21 determination on the application. The department shall issue public  
 22 notice of its intent to grant or deny an application for a permit  
 23 within sixty days after receipt of an application containing all  
 24 required information. If an application is granted and the permit  
 25 is issued, ~~or modified~~, any aggrieved person may file a petition  
 26 for a contested case with the department within thirty days after  
 27 the granting ~~or modification~~ of the permit, but such petition shall  
 1 not act as a stay of the permit. If an application is denied,  
 2 the department shall provide written rationale therefor to the  
 3 applicant. Any change, ~~modification, or other deviation~~ from the  
 4 terms or conditions of an approved permit must be approved by the  
 5 director prior to implementation.

6 (2) The department shall condition the issuance of  
 7 permits on terms necessary to protect the public health and welfare  
 8 and the environment as well as compliance with all applicable  
 9 regulations. Any applicant may apply to the department for a  
 10 variance from rules and regulations. The director may grant such  
 11 variance if he or she finds that the public health and welfare  
 12 will not be endangered or that compliance with the rules or  
 13 regulations from which variance is sought would produce serious  
 14 hardship without equal or greater benefits to the public. The  
 15 considerations, procedures, conditions, and limitations set forth  
 16 in section 81-1513 shall apply to any variance granted pursuant to  
 17 this section.

18 (3) The director shall require the owner or operator  
 19 of a facility to undertake investigation and corrective action in  
 20 the event of contamination or a threat of contamination caused by  
 21 the facility. Financial assurance for investigative or corrective  
 22 action may be required in an amount determined by the director  
 23 following public notice and opportunity for a hearing.

24 (4) In addition to the information required by this  
 25 section, the following specific areas shall be addressed in detail  
 26 in any application filed in conjunction with the issuance, renewal,  
 27 or reissuance of a permit for a facility:

1 (a) A closure and postclosure plan detailing the schedule  
 2 for and the methods by which the operator will meet the conditions  
 3 for proper closure and postclosure of the facility as defined by  
 4 the council. The plan shall include, but not be limited to, the  
 5 proposed frequency and types of actions to be implemented prior  
 6 to and following closure of an operation, the proposed postclosure  
 7 actions to be taken to return the area to a condition suitable for  
 8 other uses, and an estimate of the costs of closure and postclosure  
 9 and the proposed method of meeting the costs;

10 (b) A plan for the control and treatment of leachate,  
 11 including financial considerations proposed in meeting the costs of  
 12 such control and treatment; and

13 (c) An emergency response and remedial action plan,  
 14 including provisions to minimize the possibility of fire,  
 15 explosion, or any release to air, land, or water of pollutants  
 16 that could threaten human health and the environment and the  
 17 identification of possible occurrences that may endanger human  
 18 health and environment.

19 If such application is modified after approval by the  
 20 department, the application shall be resubmitted as a new proposal.

21 Sec. 4. Sections 1, 2, and 5 of this act become operative  
 22 three calendar months after adjournment of this legislative  
 23 session. Sections 3, 4, 6, and 7 of this act become operative on  
 24 their effective date.

25 Sec. 5. Original sections 13-2034 and 13-2036, Reissue  
 26 Revised Statutes of Nebraska, are repealed.

27 2. Renumber the remaining sections accordingly.

Senator Langemeier filed the following amendment to LB 778:  
 AM2256

(Amendments to E & R amendments, AM7155)

1 1. Insert the following new sections:

2 Sec. 10. Section 76-1908, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 76-1908 If after trial as an action in equity the court  
 5 finds: (1) That the petition provided for in section 76-1906 is  
 6 filed in good faith and not for delay; (2) that the statements  
 7 contained in the petition are true; and (3) that the requested  
 8 redemption will not unreasonably affect the ~~fair~~ market value of  
 9 the protected real estate exclusive of the redemptive homestead,  
 10 then the court shall confirm the redemption.

11 Sec. 11. Section 76-1909, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 76-1909 (1) Except as provided in subsection (2) of this  
 14 section, an order confirming a requested homestead redemption shall  
 15 direct the petitioner to pay into the court not later than ten  
 16 days from the entry of such order a cash amount equal to the  
 17 current ~~fair~~ market value of the redemptive homestead as found  
 18 and determined by the court in its confirmation order. If the  
 19 petitioner fails to make such payment, the court shall, upon its  
 20 own motion or the motion of any party to the action, vacate the  
 21 confirmation order, and all of the protected real estate shall  
 22 then be subject to sale as provided by law, free of any redemptive  
 1 or other right of the petitioner otherwise existing under the  
 2 Farm Homestead Protection Act. The filing of a petition requesting  
 3 redemption on the basis of the payment of a cash amount equal to  
 4 the current ~~fair~~ market value of the redemptive homestead shall  
 5 not constitute a waiver of any stay in effect or available to the  
 6 petitioner under section 25-1506.

7 (2) Redemption based upon the petitioner's equity in the  
 8 protected real estate shall be permitted when requested in the

9 prayer of the petition and when the court specifically finds and  
 10 determines in its confirmation order that the sum of all liens upon  
 11 the protected real estate is equal to eighty-five percent or less  
 12 of the current ~~fair~~ market value of that portion of the protected  
 13 real estate exclusive of the redemptive homestead. If the court  
 14 finds that the petitioner has sufficient equity as required by this  
 15 subsection, the payment otherwise required by subsection (1) of  
 16 this section shall be waived by the court in its order confirming  
 17 the redemption. The filing of a petition requesting redemption  
 18 on the basis of the petitioner's equity in the protected real  
 19 estate as provided in this subsection shall constitute a waiver of  
 20 any stay in effect or available to the petitioner under section  
 21 25-1506.

22 Sec. 12. Section 76-1910, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 76-1910 (1) The filing of a petition as provided in  
 25 section 76-1906 shall not delay or preclude the holder of a  
 26 mortgage, trust deed, or judgment lien, referred to in such  
 27 section, from causing a sale as otherwise permitted by law of that  
 1 portion of the protected real estate exclusive of the redemptive  
 2 homestead described in the petition.

3 (2) Upon (a) payment of the ~~fair~~-market value of the  
 4 redemptive homestead as provided in subsection (1) of section  
 5 76-1909 or (b) confirmation of a requested redemption on the basis  
 6 of the petitioner's equity in the protected real estate pursuant to  
 7 subsection (2) of section 76-1909, the petitioner shall be entitled  
 8 to retain his or her interest in the redemptive homestead free  
 9 of the lien of the mortgage or trust deed or the judgment lien,  
 10 against which the petition for redemption was filed, and free of  
 11 any other lien held therein by any party to the action.

12 Sec. 17. Section 76-2205, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 76-2205 Appraisal Foundation ~~shall mean~~ means the  
 15 Appraisal Foundation that was incorporated as an Illinois  
 16 not-for-profit corporation on November 30, 1987.

17 Sec. 22. Section 76-2209, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 76-2209 Broker's price opinion ~~shall mean~~ means an  
 20 analysis, opinion, or conclusion prepared by a person licensed  
 21 under the Nebraska Real Estate License Act in the ordinary course  
 22 of his or her business relating to the price of specified interests  
 23 in or aspects of identified real estate or identified real property  
 24 for the purpose of listing, purchase, or sale.

25 Sec. 26. Section 76-2211, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 76-2211 Comparative market analysis ~~shall mean~~ means an  
 1 analysis, opinion, or conclusion prepared by a person licensed  
 2 under the Nebraska Real Estate License Act in the ordinary course  
 3 of his or her business relating to the price of specified interests

4 in or aspects of identified real estate or identified real property  
5 by comparison to other real property currently or recently in the  
6 marketplace for the purpose of listing, purchase, or sale.

7 Sec. 28. Section 76-2211.02, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 76-2211.02 ~~Credential shall mean~~ means a registration,  
10 license, or certificate.

11 Sec. 31. Section 76-2214, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 76-2214 ~~Real estate shall mean~~ means a parcel or tract of  
14 land, including improvements, if any.

15 Sec. 34. Section 76-2217, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 76-2217 ~~Real property shall mean~~ means one or more  
18 defined interests, benefits, or rights inherent in the ownership of  
19 real estate.

20 Sec. 36. Trainee real property appraiser means a person  
21 who, under the direct supervision of a certified residential  
22 or certified general real property appraiser, assists the  
23 appraiser in any phase of appraisal activity but does not include  
24 nonprofessional employees such as clerical employees.

25 Sec. 39. Section 76-2219, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 76-2219 ~~Valuation assignment shall mean~~ means an  
1 appraisal that estimates the value of identified real estate or  
2 identified real property at a particular point in time.

3 Sec. 47. Section 76-2227, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 76-2227 (1) Applications for credentials, including  
6 authorization to take the appropriate examination, and for renewal  
7 of credentials shall be made in writing to the board on forms  
8 approved by the board. The payment of the appropriate fee fixed  
9 by the board pursuant to section 76-2241 shall accompany all  
10 applications.

11 (2) At the time of filing an initial or renewal  
12 application for credentials, the applicant shall sign a pledge  
13 that he or she has read and will comply with the ~~standards of~~  
14 ~~professional appraisal practice and the ethical rules established~~  
15 ~~under section 76-2237~~ National Uniform Standards of Professional  
16 Appraisal Practice. Each applicant shall also certify that he or  
17 she understands the types of misconduct for which disciplinary  
18 proceedings may be initiated.

19 (3) Credentials shall be issued only to persons who have  
20 a good reputation for honesty, trustworthiness, integrity, and  
21 competence to perform assignments in such manner as to safeguard  
22 the interest of the public and only after satisfactory proof of  
23 such qualification has been presented to the board upon request.

24 (4) No credential shall be issued to a corporation,  
25 partnership, limited liability company, firm, or group.

- 26 2. On page 5, line 6, strike "fair" and show as stricken;  
 27 in line 9 strike "credentialed" and strike "who is" through  
 1 "Appraisers" in line 15, show the old matter as stricken, and  
 2 insert "credentialed by the Real Property Appraiser Board".
- 3 3. On page 11, line 13, strike "fair" and show as  
 4 stricken.
- 5 4. On page 15, line 10, strike the first "estimate", show  
 6 as stricken, and insert "opinion of value" and strike the second  
 7 "estimate", show as stricken, and insert "opinion"; in line 18  
 8 strike "16" and insert "36"; in line 19 strike "37" and insert  
 9 "49"; and strike beginning with "(1)" in line 23 through line 27  
 10 and show the old matter as stricken.
- 11 5. On page 16, strike beginning with line 1 through "(2)"  
 12 in line 7 and show the old matter as stricken; and in line 18  
 13 strike "16" and insert "36".
- 14 6. On page 17, line 3, after "services" insert "performed  
 15 by an individual acting as an appraiser," and after "including"  
 16 insert ", but not limited to,"; in line 4 strike beginning with  
 17 "performed" through the period, show as stricken, and insert an  
 18 underscored period; in line 15 reinstate the stricken "76-2207  
 19 Appraiser trainee", insert "means" after the reinstated matter, and  
 20 strike the new matter; in line 16 strike the new matter; and in  
 21 line 17 reinstate the stricken matter.
- 22 7. On page 18, line 20, after "party" insert "rendered as  
 23 part of an appraisal practice".
- 24 8. On page 19, line 4, strike "a value estimate", show as  
 25 stricken, and insert "an opinion of value".
- 26 9. On page 20, line 27, strike "76-2218.01", show as  
 27 stricken, and insert "National".
- 1 10. On page 21, line 3, strike "2005" and insert "2006";  
 2 and strike beginning with "The" in line 3 through line 6 and show  
 3 the old matter as stricken.
- 4 11. On page 23, line 1, reinstate the stricken "(4)",  
 5 after the stricken "An" insert "Until January 1, 2008, an" and  
 6 reinstate the stricken "appraiser trainee"; in lines 2, 12, and 23  
 7 reinstate the stricken matter and strike the new matter.
- 8 12. On page 24, line 2, reinstate the stricken matter and  
 9 strike the new matter.
- 10 13. On page 27, strike beginning with "standards" in  
 11 line 9 through "76-2237" and show as stricken and insert "National  
 12 Uniform Standards of Professional Appraisal Practice"; and in line  
 13 14 strike "or is about to occur", show as stricken, and insert an  
 14 underscored semicolon.
- 15 14. On page 32, line 6, strike "(i)"; and strike  
 16 beginning with "and" in line 7 through "76-2227" in line 9.
- 17 15. On page 35, line 10; page 37, line 26; page 44, line  
 18 13; and page 51, line 7, strike "the English language, including"  
 19 and show as stricken.
- 20 16. On page 36, line 7, strike "(i)" and show as

- 21 stricken; and strike beginning with "and" in line 8 through line  
 22 10, show as stricken, and insert an underscored period.
- 23 17. On page 38, line 23, strike "(i)" and show as  
 24 stricken; and strike beginning with "and" in line 24 through line  
 25 26, show as stricken, and insert an underscored period.
- 26 18. On page 40, line 13; page 47, line 10; and page 54,  
 27 line 4, strike "the English language, including".
- 1 19. On page 41, line 8, strike "(i)"; and strike  
 2 beginning with "and" in line 9 through "76-2227" in line 11.
- 3 20. On page 45, line 9, strike "(i)" and show as  
 4 stricken; and strike beginning with "and" in line 10 through line  
 5 12, show as stricken, and insert an underscored period.
- 6 21. On page 48, line 5, strike "(i)"; and strike  
 7 beginning with "and" in line 6 through "76-2227" in line 8.
- 8 22. On page 52, line 3, strike "(i)" and show as  
 9 stricken; and strike beginning with "and" in line 4 through line 6,  
 10 show as stricken, and insert an underscored period.
- 11 23. On page 54, line 26, strike "(i)"; and in line 27  
 12 strike "and (ii) upon" and insert an underscored period.
- 13 24. On page 55, strike lines 1 and 2.
- 14 25. On page 66, line 11, reinstate the stricken "one  
 15 hundred fifty" and strike "two hundred".
- 16 26. On page 70, line 4, reinstate the stricken "court"  
 17 and strike the new matter.
- 18 27. On page 77, strike lines 2 through 6 and insert  
 19 "72-257, 76-706, 76-1907, 76-1908, 76-1909, 76-1910, 76-2201,  
 20 76-2202, 76-2203, 76-2204, 76-2205, 76-2205.01, 76-2206, 76-2207,  
 21 76-2208, 76-2209, 76-2210, 76-2210.01, 76-2210.02, 76-2211,  
 22 76-2211.01, 76-2211.02, 76-2212, 76-2213, 76-2214, 76-2215,  
 23 76-2216, 76-2217, 76-2217.01, 76-2218, 76-2218.01, 76-2219,  
 24 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2227,  
 25 76-2228, 76-2229, 76-2229.01, 76-2230,".
- 26 28. Renumber the remaining sections and correct internal  
 27 references accordingly.

### **MOTIONS - Approve Appointments**

Senator Cunningham moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 604:

Commission of Industrial Relations  
 William Blake  
 G. Pete Burger

Voting in the affirmative, 30:

Aguilar	Erdman	Hudkins	Kruse	Schimek
Bourne	Fischer	Janssen	Langemeier	Schrock
Byars	Flood	Jensen	Louden	Stuhr
Combs	Foley	Johnson	McDonald	Stuthman
Cunningham	Friend	Kopplin	Mines	Synowiecki
Engel	Howard	Kremer	Preister	Thompson

Voting in the negative, 0.

Present and not voting, 15:

Baker	Brown	Connealy	Pahls	Raikes
Beutler	Burling	Cornett	Pedersen, Dw.	Smith
Brashear	Chambers	Cudaback	Pederson, D.	Wehrbein

Excused and not voting, 4:

Heidemann	Landis	Price	Redfield
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The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 605:

Environmental Quality Council  
Rod Gangwish

Voting in the affirmative, 34:

Aguilar	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	McDonald	Smith
Brashear	Erdman	Jensen	Mines	Stuhr
Brown	Fischer	Johnson	Pahls	Stuthman
Byars	Foley	Kopplin	Pederson, D.	Thompson
Chambers	Friend	Kremer	Preister	Wehrbein
Combs	Howard	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 11:

Baker	Connealy	Flood	Schimek
Beutler	Cornett	Langemeier	Synowiecki
Burling	Cudaback	Pedersen, Dw.	

Excused and not voting, 4:

Heidemann	Landis	Price	Redfield
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

### ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 940 as its priority bill.

### STANDING COMMITTEE REPORTS Natural Resources

The Natural Resources 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.

Thomas Sonntag - Oil and Gas Conservation Commission

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Loudon, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

The Natural Resources 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.

Michael Bair - Environmental Quality Council  
Robert Hall - Environmental Quality Council  
Alden Zuhlke - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Loudon, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

**LEGISLATIVE BILL 822.** Placed on General File.

**LEGISLATIVE BILL 1099.** Placed on General File as amended.

Standing Committee amendment to LB 1099:  
AM2243

- 1 1. Strike section 1.
- 2 2. On page 2, line 20, strike "sections 46-285 and" and
- 3 insert "section"; and in line 21 strike "are" and insert "is".
- 4 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1147.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 173.** The Standing Committee amendment, AM2018, found on page 532 and considered on page 605, was renewed.

Senator Landis asked unanimous consent to withdraw his pending amendment, FA434, found on page 607, and replace it with his substitute amendment, AM2267, to the Standing Committee amendment. No objections. So ordered.

AM2267

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 69-1301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 69-1301 As used in the Uniform Disposition of Unclaimed
- 6 Property Act unless the context otherwise requires:
- 7 (a) Banking organization means any bank, trust company,
- 8 savings bank, industrial bank, land bank, or safe deposit company.
- 9 (b) Business association means any corporation, ~~(other~~
- 10 ~~than a public corporation),~~ joint-stock company, business trust,
- 11 partnership, limited liability company, or association for business
- 12 purposes of two or more individuals, but does not include a public
- 13 corporation.
- 14 (c) Financial organization means any savings and
- 15 loan association, building and loan association, credit union,
- 16 cooperative bank, or investment company, ~~engaged in doing~~ business
- 17 in this state.
- 18 (d) General use prepaid card means a plastic card or
- 19 other electronic payment device usable with multiple, unaffiliated
- 20 sellers of goods or services.
- 21 ~~(d)~~ (e) Holder means any person in possession of property
- 22 subject to the act belonging to another, or who is trustee in case
- 23 of a trust, or is indebted to another on an obligation subject to
- 1 the act.
- 2 ~~(e)~~ (f) Life insurance corporation means any association
- 3 or corporation transacting within this state the business of
- 4 insurance on the lives of persons or insurance appertaining
- 5 thereto, including, but not ~~by way of limitation~~ limited to,
- 6 endowments and annuities.
- 7 ~~(f)~~ (g) Owner means a depositor in case of a deposit, a
- 8 beneficiary in case of a trust, a creditor, claimant, or payee in
- 9 case of other choses in action, or any person having a legal or
- 10 equitable interest in property subject to the act, or his or her
- 11 legal representative.
- 12 ~~(g)~~ (h) Person means any individual, business
- 13 association, governmental or political subdivision, public
- 14 corporation, public authority, estate, trust, two or more persons
- 15 having a joint or common interest, or any other legal or commercial
- 16 entity.

17 ~~(h)~~ (i) Utility means any person who owns or operates  
18 within this state, for public use, any plant, equipment, property,  
19 franchise, or license for the transmission of communications or the  
20 production, storage, transmission, sale, delivery, or furnishing of  
21 electricity, water, steam, or gas.

22 Sec. 2. Section 69-1305.02, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 69-1305.02 ~~(a) A gift certificate or a credit memo that~~  
25 ~~remains unredeemed for more than three years after issuance is~~  
26 ~~presumed abandoned.~~ (a) Any gift certificate, gift card, or credit  
27 memo which has a face value of less than one hundred dollars and is  
1 not assessed any fees and does not have an expiration date shall  
2 not be presumed to be abandoned.

3 (b) Any gift certificate, gift card, or credit memo which  
4 has a face value of one hundred dollars or more which is unredeemed  
5 for a period of three years from the date of issuance shall be  
6 presumed abandoned.

7 (c) Any gift certificate, gift card, or credit memo which  
8 contains an expiration date or requires any type of post-sale  
9 finance charge or fee which is unredeemed for a period of three  
10 years from the date of issuance shall be presumed abandoned.

11 (d) Any gift certificate, gift card, or credit memo  
12 issued prior to the effective date of this act, with a face value  
13 of less than one hundred dollars and which contains an expiration  
14 date or requires any type of post-sale finance charge or fee,  
15 which is unredeemed for a period of three years from the date of  
16 issuance, shall not be presumed abandoned if the issuer policy and  
17 practice is to waive all post-sale charges or fees and to honor  
18 such gift certificate, gift card, or credit memo, at no additional  
19 cost to the holder, whenever presented at full face value or the  
20 value remaining after any applicable purchases, expiration date  
21 notwithstanding. A written notice of such policy and practice shall  
22 be posted conspicuously, in not smaller than ten point type, at  
23 each site in all Nebraska locations at which the issuer distributes  
24 or redeems a gift certificate, gift card, or credit memo.

25 ~~(b)~~ (e) In the case of a gift certificate or gift card,  
26 the amount presumed abandoned is the face amount of the certificate  
27 or card itself, less the total amount of any applicable purchases  
1 and fees. In the case of a credit memo, the amount presumed  
2 abandoned is the amount credited, as shown on the memo itself.

3 (f) Any gift certificate, gift card, or credit  
4 memo subject to a fee shall contain a statement clearly and  
5 conspicuously printed on it stating whether there is a fee, the  
6 amount of the fee, how often the fee will occur, that the fee  
7 is triggered by inactivity of the gift certificate, gift card,  
8 or credit memo, and at what point the fee will be assessed. The  
9 statement may appear on the front or back of the gift certificate,  
10 gift card, or credit memo in a location where it is visible to a  
11 purchaser prior to the purchase.

12 (g) Any gift certificate, gift card, or credit memo  
 13 subject to an expiration date shall contain a statement clearly  
 14 and conspicuously printed on the gift certificate, gift card, or  
 15 credit memo stating the expiration date. The statement may appear  
 16 on the front or back of the gift certificate, gift card, or credit  
 17 memo in a location where it is visible to a purchaser prior to the  
 18 purchase.

19 (h) This section does not apply to a general use prepaid  
 20 card.

21 Sec. 3. Section 69-1308, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 69-1308 ~~All~~ (a) Except as provided in subsection (b)  
 24 of this section, all intangible personal property, not otherwise  
 25 covered by the Uniform Disposition of Unclaimed Property Act,  
 26 including any income or increment thereon ~~and~~ after deducting any  
 27 lawful charges, that is held or owing in this state in the ordinary  
 1 course of the holder's business and has remained unclaimed by  
 2 the owner for more than five years after it became payable or  
 3 distributable, is presumed abandoned.

4 (b) The unredeemed value of a general use prepaid card,  
 5 including any income or increment thereon after deducting any  
 6 lawful charges, that is held or owing in this state in the ordinary  
 7 course of the holder's business and has remained unclaimed by the  
 8 owner for more than five years after the last transaction initiated  
 9 by the card owner is presumed abandoned.

10 Sec. 4. Original sections 69-1301, 69-1305.02, and  
 11 69-1308, Reissue Revised Statutes of Nebraska, are repealed.

The Landis amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

### **SENATOR CUDABACK PRESIDING**

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 872.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 478.** Senator Cornett renewed her pending amendment, AM1810, found on page 142.

Pending.

**SELECT COMMITTEE REPORT**  
**Enrollment and Review**

**LEGISLATIVE BILL 996A.** Placed on Select File.

(Signed) Michael Flood, Chairperson

**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.

Lucinda Glen - State Personnel Board

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

**LEGISLATIVE BILL 1067.** Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

**Revenue**

**LEGISLATIVE BILL 808.** Placed on General File as amended.

(Standing Committee amendment, AM2210, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 854.** Placed on General File as amended.

Standing Committee amendment to LB 854:

AM2154

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Long-Term Care Partnership Program is
- 4 established. The program shall be administered by the Department of
- 5 Health and Human Services Finance and Support in accordance with
- 6 federal requirements on state long-term care partnership programs.
- 7 In order to implement the program, the department shall file a
- 8 State plan amendment with the federal Centers for Medicare and
- 9 Medicaid Services pursuant to the requirements set forth in 42
- 10 U.S.C. 1396p(b), as such section existed on March 1, 2006.

- 11 Sec. 2. The following sections are outright repealed:  
 12 Sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised  
 13 Statutes Supplement, 2005.

**LEGISLATIVE BILL 1178.** Placed on General File as amended.  
 Standing Committee amendment to LB 1178:  
 AM2225

- 1 1. On page 2, line 13, after "shall" insert "annually".

**LEGISLATIVE BILL 1179.** Placed on General File as amended.  
 Standing Committee amendment to LB 1179:  
 AM2242

- 1 1. On page 3, line 18, after the comma insert "including,  
 2 but not limited to, the development, implementation, provision, and  
 3 funding of organized peer support services,"; and in line 19 after  
 4 the comma insert "including, but not limited to, their inclusion  
 5 and involvement in all aspects of services design, planning,  
 6 implementation, provision, education, evaluation, and research,".

- 7 2. On page 5, line 25, after "division" insert ",  
 8 including the development of a written plan, updated annually, for  
 9 the involvement of consumers and their families in all aspects  
 10 of services design, planning, implementation, provision, education,  
 11 evaluation, and research".

- 12 3. On page 6, line 7, after "services" insert ",  
 13 including, but not limited to, organized peer support services,".

- 14 4. On page 7, line 13, strike "Encourage", show as  
 15 stricken, and insert "Coordinate, encourage,".

(Signed) Jim Jensen, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 837.** Placed on General File as amended.  
 Standing Committee amendment to LB 837:  
 AM2240

- 1 1. Strike original sections 5 and 6 and insert the  
 2 following new sections:  
 3 Sec. 2. Section 60-3,122, Revised Statutes Supplement,  
 4 2005, is amended to read:  
 5 60-3,122 (1) Any resident of this state may, in addition  
 6 to the application required by section 60-385, make application  
 7 to the department for a set of license plates designed by the  
 8 department to indicate that he or she is a survivor of the Japanese  
 9 attack on Pearl Harbor if he or she:  
 10 (a) Was a member of the United States Armed Forces on  
 11 December 7, 1941;  
 12 (b) Was on station on December 7, 1941, during the hours  
 13 of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island  
 14 of Oahu, or offshore at a distance not to exceed three miles;

15 (c) Was discharged or otherwise separated with a  
16 characterization of honorable from the United States Armed Forces;  
17 and

18 (d) Holds a current membership in a Nebraska Chapter of  
19 the Pearl Harbor Survivors Association.

20 (2) The license plates shall be issued upon the applicant  
21 paying the regular license fee and an additional fee of five  
22 dollars and furnishing proof satisfactory to the department that  
23 the applicant fulfills the requirements provided by subsection (1)  
1 of this section. The additional fee shall be remitted to the State  
2 Treasurer for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery  
3 System Endowment Fund. ~~Only one motor vehicle or trailer owned by~~  
4 ~~the applicant shall be so licensed at any one time.~~

5 (3) If the license plates issued pursuant to this section  
6 are lost, stolen, or mutilated, the recipient of the license plates  
7 shall be issued replacement license plates upon request and without  
8 charge.

9 Sec. 3. Section 60-3,123, Revised Statutes Supplement,  
10 2005, is amended to read:

11 60-3,123 (1) Any resident of this state who was captured  
12 and incarcerated by an enemy of the United States during a period  
13 of conflict with such enemy and who was discharged or otherwise  
14 separated with a characterization of honorable from or is currently  
15 serving in the United States Armed Forces may, in addition to the  
16 application required in section 60-385, make application to the  
17 department for a set of license plates designed to indicate that  
18 he or she is a former prisoner of war. The license plates shall  
19 be issued upon the applicant paying the regular license fee and an  
20 additional fee of five dollars and furnishing proof satisfactory  
21 to the department that the applicant was formerly a prisoner of  
22 war. The additional fee shall be remitted to the State Treasurer  
23 for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery System  
24 Endowment Fund. ~~Only one motor vehicle or trailer owned by an~~  
25 ~~applicant shall be so licensed at any one time.~~

26 (2) If the license plates issued under this section are  
27 lost, stolen, or mutilated, the recipient of the license plates  
1 shall be issued replacement license plates upon request and without  
2 charge.

3 Sec. 4. Section 60-3,124, Revised Statutes Supplement,  
4 2005, is amended to read:

5 60-3,124 (1) Any resident of this state who is a  
6 veteran of the United States Armed Forces, who was discharged  
7 or otherwise separated with a characterization of honorable or  
8 general (under honorable conditions), and who is classified by the  
9 United States Department of Veterans Affairs as one hundred percent  
10 service-connected disabled may, in addition to the application  
11 required in section 60-385, apply to the Department of Motor  
12 Vehicles for a set of license plates designed by the department to  
13 indicate that the applicant for the plates is a disabled veteran.

14 The inscription on the license plates shall be D.A.V. immediately  
 15 below the license plate number to indicate that the holder of  
 16 the license plates is a disabled veteran. The plates shall be  
 17 issued upon the applicant paying the regular license fee and an  
 18 additional fee of five dollars and furnishing proof satisfactory  
 19 to the department that the applicant is a disabled veteran. The  
 20 additional fee shall be remitted to the State Treasurer for credit  
 21 to the ~~Highway Trust~~ Nebraska Veteran Cemetery System Endowment  
 22 Fund. Only one motor vehicle or trailer owned by the applicant  
 23 ~~shall be so licensed at any one time.~~

24 (2) If the license plates issued under this section are  
 25 lost, stolen, or mutilated, the recipient of the plates shall be  
 26 issued replacement license plates as provided in section 60-3,157.

27 Sec. 7. Original sections 39-2215, 60-3,122, 60-3,123,  
 1 60-3,124, 60-3,125, and 60-3,141, Revised Statutes Supplement,  
 2 2005, are repealed.

3 2. On page 2, line 13; and page 7, line 2, strike  
 4 "60-3,125" and insert "60-3,122, 60-3,123, 60-3,124, 60-3,125,".

5 3. On page 6, strike beginning with "Only" in line 3  
 6 through line 5 and show as stricken.

7 4. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

### AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 508:  
 (Amendment, AM2244, is printed separately and available in the Bill Room,  
 Room 1104.)

Senator Burling filed the following amendment to LB 818:  
 AM2258

(Amendments to AM2174)

1 1. On page 1, strike beginning with "A" in line 1 through  
 2 line 4 and insert the following new paragraph:  
 3 "A race sponsor using tires as safety barriers pursuant  
 4 to subdivision (3)(c)(ii) of this section prior to October 1, 2006,  
 5 shall file an approved tire disposal plan with the department on  
 6 or before January 1, 2007. A race sponsor using tires as safety  
 7 barriers on or after October 1, 2006, shall file an approved tire  
 8 disposal plan with the department prior to the sponsor's first such  
 9 use of tires. An approved tire disposal plan shall provide for the  
 10 disposal of tires which cease to be needed as safety barriers in  
 11 accordance with subsection (3) of section 13-2033, and any such  
 12 race sponsor who ceases to use tires as safety barriers or whose  
 13 facility ceases operation shall dispose of such tires in accordance  
 14 with his or her approved tire disposal plan. Any modification to  
 15 an approved tire disposal plan shall be submitted to and approved

16 by the department prior to implementation of such modified plan. An  
 17 approved tire disposal plan".

Senator Bourne filed the following amendment to LB 248:  
 AM2110

(Amendments to E & R amendments, AM7153)

- 1 1. Strike sections 1 and 2.
- 2 2. On page 7, strike beginning with "sections" in line 24
- 3 through "and" in line 25; and in line 26 strike "are" and insert
- 4 "is".
- 5 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 188:  
 (Amendment, AM2270, is printed separately and available in the Bill Room,  
 Room 1104.)

Senators Friend and Bourne filed the following amendment to LB 1249:  
 AM2229

(Amendments to Standing Committee amendments, AM2127)

- 1 1. On page 1, strike beginning with "strike" in line 10
- 2 through the second "in" in line 11; and in line 11 after "19"
- 3 insert a comma.

Senator Friend filed the following amendment to LB 1249:  
 AM2215

- 1 1. On page 7, line 12, after the period insert "In no
- 2 event shall the commission establish an exclusive service area
- 3 for a jurisdictional utility within the corporate limits of a
- 4 municipality in which the jurisdictional utility does not have
- 5 a franchise. If the commission establishes an exclusive service
- 6 area for a jurisdictional utility within the corporate limits
- 7 of a municipality which has a franchise, and the franchise is
- 8 subsequently revoked or not renewed, such exclusive service area
- 9 shall be rescinded by the commission.".

Senator Friend filed the following amendment to LB 1249:  
 AM2219

- 1 1. On page 15, line 24, after "boundaries" insert "and
- 2 extraterritorial jurisdiction boundaries".
- 3 2. On page 16, line 8, after "area" insert "or
- 4 other areas within the corporate boundaries and extraterritorial
- 5 jurisdiction".

Senator Bourne filed the following amendment to LB 1249:  
 AM2231

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 66-1848, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-1848 For purposes of this section and section 66-1849:

- 5 (1) Aggregator means a person who combines retail end  
 6 users into a group and arranges for the acquisition of competitive  
 7 natural gas services without taking title to those services; and  
 8 (2)(a) Competitive natural gas provider means a person  
 9 who takes title to natural gas and sells it for consumption by  
 10 a retail end user. Competitive natural gas provider includes an  
 11 affiliate of a natural gas public utility, a metropolitan utilities  
 12 district, a city of the primary, first, or second class, and a  
 13 village.  
 14 (b) Competitive natural gas provider does not include the  
 15 following:  
 16 (i) A jurisdictional utility;  
 17 (ii) A city-owned or operated natural gas utility or  
 18 metropolitan utilities district in areas in which it provides  
 19 natural gas service through pipes it owns; or  
 20 (iii) A natural gas public utility that is not subject  
 21 to the act as provided in section 66-1803 in areas in which it is  
 22 providing natural gas service in accordance with section 66-1803.  
 23 2. Correct internal references and the repealer and  
 1 renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 1249:  
 AM2218

- 1 1. On page 15, line 4, strike "the", show as stricken,  
 2 and insert "a"; and in line 5 after "district" insert "or  
 3 jurisdictional utility".

Senator Bourne filed the following amendment to LB 1249:  
 AM2216

- 1 1. Insert the following new section:  
 2 Sec. 19. (1) In order to provide the citizens of the  
 3 state with adequate natural gas service at as low an overall  
 4 cost as possible, consistent with sound business practices, and  
 5 in exchange for natural gas franchises, it is the policy of the  
 6 state that a city has a right of first refusal with respect  
 7 to any natural gas system that serves the city. It is also the  
 8 policy of the state to encourage publicly owned or operated natural  
 9 gas utilities in order to provide natural gas to consumers at  
 10 reasonable rates at as low an overall cost as possible.  
 11 (2) For purposes of this section:  
 12 (a) City means any city or village;  
 13 (b) Jurisdictional utility has the same meaning as in  
 14 section 66-1802;  
 15 (c) Offer to acquire, purchase, or lease does not include  
 16 any foreclosure, tax sale, condemnation proceeding, or exchange of  
 17 customers; and  
 18 (d) Right of first refusal means the absolute right to  
 19 have the first opportunity to acquire, purchase, or lease real  
 20 property upon the same terms and conditions as set forth in a

21 proposed offer to acquire, purchase, or lease from another party.

22 (3) If a jurisdictional utility that provides natural  
 23 gas service within a city or a city's extraterritorial zoning  
 1 jurisdiction decides to dispose of, sell, or lease its natural  
 2 gas system, or any part thereof, and receives a written offer to  
 3 acquire, purchase, or lease the system, or part thereof, the city  
 4 shall have the right of first refusal. The jurisdictional utility  
 5 shall mail to the city by certified mail written notice of its  
 6 intent to accept the offer and a copy of the offer. The city  
 7 shall have sixty days after the delivery of such notice and copy  
 8 of the offer to match the offer, except that if the city needs  
 9 additional information from the jurisdictional utility, the city  
 10 shall have sixty days after receipt of such additional information  
 11 to match the offer. If the city offers to acquire, purchase,  
 12 or lease the system, or portion thereof, on the same terms and  
 13 conditions set forth in the proposed offer from the other party,  
 14 the jurisdictional utility shall accept the city's offer and reject  
 15 the other party's offer.

16 (4) The city may assign the right of first refusal.

17 2. Correct internal references and renumber the remaining  
 18 sections accordingly.

Senator Bourne filed the following amendment to LB 1249:

(Amendment, AM2217, is printed separately and available in the Bill Room, Room 1104.)

Senator Baker filed the following amendment to LB 248:

AM2200

(Amendments to E & R amendments, AM7153)

1 1. Insert the following new sections:  
 2 Section 1. Section 13-518, Revised Statutes Supplement,  
 3 2005, is amended to read:  
 4 13-518 For purposes of sections 13-518 to 13-522:  
 5 (1) Allowable growth means (a) for governmental units  
 6 other than community colleges, the percentage increase in taxable  
 7 valuation in excess of the base limitation established under  
 8 section 77-3446, if any, due to improvements to real property as  
 9 a result of new construction, additions to existing buildings,  
 10 any improvements to real property which increase the value of  
 11 such property, and any increase in valuation due to annexation  
 12 and any personal property valuation over the prior year and (b)  
 13 for community colleges, (i) for fiscal years prior to fiscal year  
 14 2003-04 and after fiscal year 2004-05, the percentage increase in  
 15 excess of the base limitation, if any, in full-time equivalent  
 16 students from the second year to the first year preceding the  
 17 year for which the budget is being determined, and (ii) for fiscal  
 18 year 2003-04 and fiscal year 2004-05, the percentage increase in  
 19 full-time equivalent students from the second year to the first  
 20 year preceding the year for which the budget is being determined;

21 (2) Capital improvements means (a) acquisition of real  
 22 property or (b) acquisition, construction, or extension of any  
 1 improvements on real property;

2 (3) Governing body has the same meaning as in section  
 3 13-503;

4 (4) Governmental unit means every political subdivision  
 5 which has authority to levy a property tax or authority to  
 6 request levy authority under section 77-3443 except sanitary and  
 7 improvement districts which have been in existence for five years  
 8 or less and school districts;

9 (5) Qualified sinking fund means a fund or funds  
 10 maintained separately from the general fund to pay for acquisition  
 11 or replacement of tangible personal property with a useful life of  
 12 five years or more which is to be undertaken in the future but  
 13 is to be paid for in part or in total in advance using periodic  
 14 payments into the fund. The term includes sinking funds under  
 15 subdivision (13) of section 35-508 for firefighting and rescue  
 16 equipment or apparatus;

17 (6) Restricted funds means (a) property tax, excluding  
 18 any amounts refunded to taxpayers, (b) payments in lieu of property  
 19 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)  
 20 state aid, (f) transfers of surpluses from any user fee, permit  
 21 fee, or regulatory fee if the fee surplus is transferred to fund a  
 22 service or function not directly related to the fee and the costs  
 23 of the activity funded from the fee, (g) any funds excluded from  
 24 restricted funds for the prior year because they were budgeted for  
 25 capital improvements but which were not spent and are not expected  
 26 to be spent for capital improvements, (h) the tax provided in  
 27 sections 77-27,223 to 77-27,227 beginning in the second fiscal year  
 1 in which the county will receive a full year of receipts, and (i)  
 2 any excess tax collections returned to the county under section  
 3 77-1776; and

4 (7) State aid means:

5 (a) For all governmental units, state aid paid pursuant  
 6 to ~~sections 60-3,202 and~~ section 77-3523;

7 (b) For municipalities, state aid to municipalities  
 8 paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190,  
 9 77-27,136, and 77-27,139.04 and insurance premium tax paid to  
 10 municipalities;

11 (c) For counties, state aid to counties paid pursuant  
 12 to sections 39-2501 to 39-2520, 47-119.01, 60-3,184 to 60-3,190,  
 13 77-27,136, and 77-3618, insurance premium tax paid to counties,  
 14 and reimbursements to counties from funds appropriated pursuant to  
 15 section 29-3933;

16 (d) For community colleges, state aid to community  
 17 colleges paid under sections 85-1536 to 85-1537;

18 (e) For natural resources districts, state aid to natural  
 19 resources districts paid pursuant to section 77-27,136;

20 (f) For educational service units, state aid appropriated

21 under section 79-1241; and

22 (g) For local public health departments as defined in  
23 section 71-1626, state aid as distributed under section 71-1628.08.

24 Sec. 2. Section 39-2401, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 39-2401 There is hereby established the Highway  
27 Allocation Fund. There shall be paid into such fund (1) the amounts  
1 disbursed from time to time from the Highway Trust Fund as provided  
2 by law, ~~(2) together with~~ such sums as may be appropriated thereto  
3 from the General Fund, and (3) a portion of the registration fees  
4 under section 60-360. Any money in the Highway Allocation Fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the  
7 Nebraska State Funds Investment Act.

8 Sec. 6. Section 60-3,202, Revised Statutes Supplement,  
9 2005, is amended to read:

10 60-3,202 ~~(4)~~ As registration fees are received by the  
11 Division of Motor Carrier Services of the department pursuant to  
12 section 60-3,198, the division shall remit the fees to the State  
13 Treasurer, less a collection fee of three percent of thirty percent  
14 of the registration fees collected. The collection fee shall be  
15 credited to the ~~Department of Property Assessment and Taxation~~  
16 Motor Carrier Division Cash Fund. The State Treasurer shall credit  
17 the remainder of the thirty percent of the fees collected to the  
18 ~~Motor Vehicle Tax Highway Allocation~~ Fund and the remaining seventy  
19 percent of the fees collected to the Highway Trust Fund. Any money  
20 in the Motor Vehicle Tax Fund on the operative date of this section  
21 shall be transferred to the Highway Allocation Fund.

22 ~~(2) On or before the last day of each quarter of the~~  
23 ~~calendar year, the State Treasurer shall distribute all funds in~~  
24 ~~the Motor Vehicle Tax Fund to the county treasurer or designated~~  
25 ~~county official of each county in the same proportion as the number~~  
26 ~~of original apportionable vehicle registrations in each county~~  
27 ~~bears to the total of all original registrations within the state~~  
1 ~~in the registration year immediately preceding.~~

2 ~~(3) Upon receipt of motor vehicle tax funds from the~~  
3 ~~State Treasurer, the county treasurer or designated county official~~  
4 ~~shall distribute such funds to taxing agencies within the county in~~  
5 ~~the same proportion that the levy of each such taxing agency bears~~  
6 ~~to the total of such levies of all taxing agencies in the county.~~

7 ~~(4) In the event any taxing district has been annexed,~~  
8 ~~merged, dissolved, or in any way absorbed into another taxing~~  
9 ~~district, any apportionment of motor vehicle tax funds to which~~  
10 ~~such taxing district would have been entitled shall be apportioned~~  
11 ~~to the successor taxing district which has assumed the functions of~~  
12 ~~the annexed, merged, dissolved, or absorbed taxing district.~~

13 ~~(5) On or before March 1 of each year, the department~~  
14 ~~shall furnish to the State Treasurer a tabulation showing the total~~  
15 ~~number of original apportionable vehicle registrations in each~~

16 county for the immediately preceding calendar year, which shall be  
 17 the basis for computing the distribution of motor vehicle tax funds  
 18 as provided in subsection (2) of this section.

19 ~~(6) The Motor Vehicle Tax Fund is created. Any money in~~  
 20 ~~the fund available for investment shall be invested by the state~~  
 21 ~~investment officer pursuant to the Nebraska Capital Expansion Act~~  
 22 ~~and the Nebraska State Funds Investment Act.~~

23 Sec. 7. Section 77-1342, Revised Statutes Supplement,  
 24 2005, is amended to read:

25 77-1342 There is hereby created a fund to be known as  
 26 the Department of Property Assessment and Taxation Cash Fund to  
 27 which shall be credited all money received by the Department of  
 1 Property Assessment and Taxation for services performed for county  
 2 and multicounty assessment districts, for charges for publications,  
 3 manuals, and lists, as an assessor's examination fee authorized  
 4 by section 77-421, and under the provisions of sections ~~60-3,202,~~  
 5 ~~77-684,~~ and 77-1250. The fund shall be used to carry out any duties  
 6 and responsibilities of the department. The county or multicounty  
 7 assessment district shall be billed by the department for services  
 8 rendered. Reimbursements to the department shall be credited to the  
 9 fund, and expenditures therefrom shall be made only when such funds  
 10 are available. The department shall only bill for the actual amount  
 11 expended in performing the service.

12 The fund shall not, at the close of each year, be lapsed  
 13 to the General Fund. Any money in the Department of Property  
 14 Assessment and Taxation Cash Fund available for investment shall be  
 15 invested by the state investment officer pursuant to the Nebraska  
 16 Capital Expansion Act and the Nebraska State Funds Investment Act.

17 Sec. 8. Section 79-1018.01, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 79-1018.01 Local system formula resources include other  
 20 actual receipts available for the funding of general fund operating  
 21 expenditures as determined by the department for the second school  
 22 fiscal year immediately preceding the school fiscal year in which  
 23 aid is to be paid, except that receipts from the Community  
 24 Improvements Cash Fund, receipts acquired pursuant to the Low-Level  
 25 Radioactive Waste Disposal Act, and, beginning with the calculation  
 26 of state aid to be distributed in school fiscal year 2004-05,  
 27 tuition receipts from converted contracts shall not be included.

1 Other actual receipts include:

- 2 (1) Public power district sales tax revenue;
- 3 (2) Fines and license fees;
- 4 (3) Tuition receipts from individuals, other districts,
- 5 or any other source except those derived from adult education
- 6 and except, beginning with the calculation of state aid to be
- 7 distributed in school fiscal year 2004-05, tuition receipts from
- 8 converted contracts;
- 9 (4) Transportation receipts;
- 10 (5) Interest on investments;

- 11 (6) Other miscellaneous noncategorical local receipts,  
 12 not including receipts from private foundations, individuals,  
 13 associations, or charitable organizations;
- 14 (7) Special education receipts, excluding grant funds  
 15 received pursuant to section 9-812;
- 16 (8) Special education receipts and non-special education  
 17 receipts from the state for wards of the court and wards of the  
 18 state;
- 19 (9) All receipts from the temporary school fund.  
 20 Beginning with the calculation of aid for school fiscal year  
 21 2002-03 and each school fiscal year thereafter, receipts from  
 22 the temporary school fund shall only include receipts pursuant  
 23 to section 79-1035 and the receipt of funds pursuant to section  
 24 79-1036 for property leased for a public purpose as set forth in  
 25 subdivision (1)(a) of section 77-202;
- 26 (10) Motor vehicle tax receipts received on or after  
 27 January 1, 1998;
- 1 (11) Pro rata motor vehicle license fee receipts received  
 2 prior to September 1, 2005;
- 3 (12) Other miscellaneous state receipts excluding revenue  
 4 from the textbook loan program authorized by section 79-734;
- 5 (13) Impact aid entitlements for the school fiscal year  
 6 which have actually been received by the district to the extent  
 7 allowed by federal law;
- 8 (14) All other noncategorical federal receipts;
- 9 (15) All receipts pursuant to the enrollment option  
 10 program under sections 79-232 to 79-246;
- 11 (16) Receipts under the federal Medicare Catastrophic  
 12 Coverage Act of 1988, as such act existed on May 8, 2001, as  
 13 authorized pursuant to sections 43-2510 and 43-2511 but only to the  
 14 extent of the amount the local system would have otherwise received  
 15 pursuant to the Special Education Act; and
- 16 (17) Receipts for accelerated or differentiated  
 17 curriculum programs pursuant to sections 79-1106 to 79-1108.03.
- 18 Sec. 11. Original sections 39-2401 and 79-1018.01,  
 19 Reissue Revised Statutes of Nebraska, and sections 13-518,  
 20 60-3,202, and 77-1342, Revised Statutes Supplement, 2005, are  
 21 repealed.
- 22 2. On page 7, line 23, strike "This act becomes" and  
 23 insert "Sections 1, 2, 6, 7, 8, and 11 of this act become operative  
 24 on September 1, 2007. The other sections of this act become".
- 25 3. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING**  
**Natural Resources**  
 Room 1525

Thursday, February 23, 2006  
 Marquis Reed Gilmore - Oil and Gas Conservation Commission

1:30 p.m.

(Signed) Ed Schrock, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 288.** Introduced by Schimek, 27; Brown, 6; Burling, 33; Fischer, 43; Langemeier, 23; Mines, 18; Pahls, 31; Wehrbein, 2.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of the United States and in both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, both air and ground medical evacuation, reconnaissance, surveillance, law and order and police investigation, and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand members of the Nebraska National Guard have been deployed to more than twenty foreign countries during the last four years; and

WHEREAS, Staff Sergeant Jeremy J. Fischer, Sergeant First Class Tricia L. Jameson, and Master Sergeant Linda A. Tarango-Griess made the ultimate sacrifice, giving their lives for this nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Specialist Jennifer D. Beck, Specialist Joshua H. Birkel, Specialist Richard W. DeLancey, and Specialist Michael R. Sharples; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Specialist Richard W. DeLancey, Specialist Justin R. Diggins, Specialist Jacob D. Graff, Specialist John D. Harris, Specialist Kelsey R. Lamb, Specialist Fenton E. Phan, Staff Sergeant Jeremy J. Preister, Sergeant Terence P. Ricketts, Sergeant Matthew J. Rouse, Sergeant Chad A. Schroetlin, and Specialist Rachelle A. Spors; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Specialist Jacob D. Graff, Specialist Donald J. Harrer III, Sergeant Eric Q. Nesiba, and Specialist Nathan J. Reitz.

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

1. That the Legislature extends its thanks to and commends the aforesaid honorees for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be given to all honorees.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 856A.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 856, Ninety-ninth Legislature, Second Session, 2006.

### **ANNOUNCEMENT**

The Revenue Committee designates LB 808 as its priority bill.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1149. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Sister Dominike from the Czech Republic and Senator Connealy's sister, Sister Joy Connealy; and former Senator Jerry Schmitt from Ord.

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

